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THE SCHOOL LAW—PROVINCE OF ONTARIO.

BILLS
FOR THE CONSOLIDATION OF THE ACTS
RESPECTING
THE EDUCATION DEPARTMENT, THE PUBLIC
SCHOOLS, AND THE COLLEGIATE INSTITUTES
AND HIGH SCHOOLS,

INTRODUCED BY THE MINISTER OF EDUCATION FOR ONTARIO, IN 1882,
AND DEFERRED.

ALSO

THE SEPARATE SCHOOL ACT

WITH THE AMENDMENTS, AND EXTRACTS FROM THE

GENERAL REGULATIONS.



Toronto :

PRINTED BY C. BLACKETT ROBINSON, 5 JORDAN STREET.
1883.

MEMORANDUM.

The Compendium of the School Law and Regulations, issued in 1878, being now out of print, the Bills prepared by the Minister of Education and introduced at the last Session (1882-3) of the Provincial Legislature are reprinted for the temporary use of School Inspectors and Trustee Corporations who may not have copies of the Compendium and the recent Acts. The consideration of the Bills was necessarily deferred, but they exhibit the provisions of the School Laws as amended in 1879-1882 in the most convenient form for reference in the meantime.

EDUCATION DEPARTMENT,

TORONTO, May, 1883.

NOTICE TO SCHOOL INSPECTORS, TRUSTEES, TEACHERS, &c.

It must be borne in mind by Inspectors, Trustees, Teachers and others that the accompanying Bills entitled (1) An Act to consolidate the Acts respecting the Education Department; (3) An Act to consolidate the Acts respecting High Schools; (2) An Act to consolidate the Acts respecting Public Schools, have not received the sanction of the Legislature.

They represent a consolidation of the laws relating to the Education Department and Public and High Schools, as drafted for the consideration of the Legislature, but inasmuch as the Legislature has not passed upon the correctness of these proposals, parties receiving copies, at their own request, must understand that the Department does not, in advance of Legislative sanction, undertake that the consolidation presents in all cases the Statute Law as it now stands, although drafted, it is assumed, with that intention.

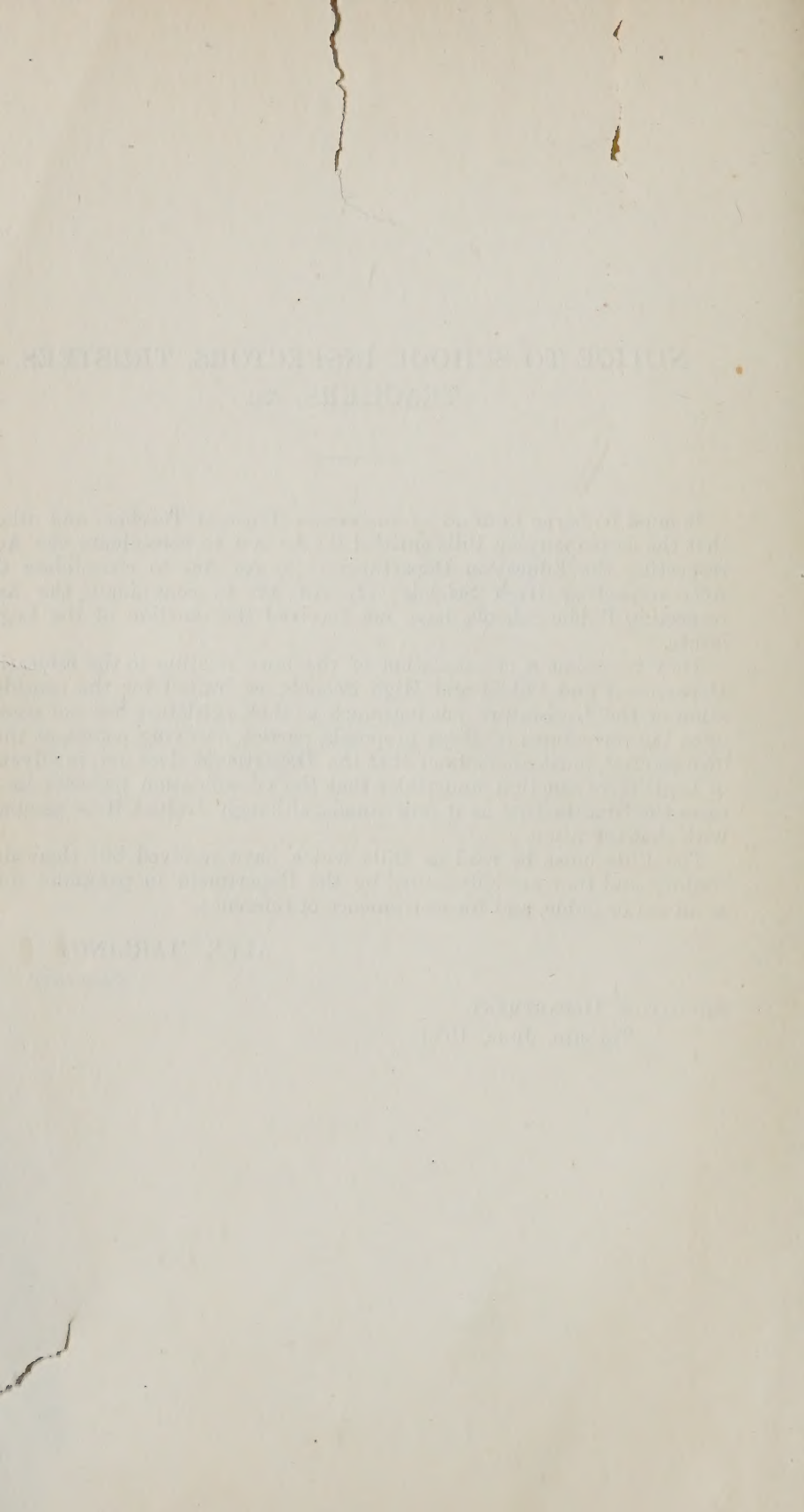
The Bills must be read as Bills which have received but their first reading, and they are only issued by the Department in pamphlet form as an aid or guide, and for convenience of reference.

ALEX. MARLING,

Secretary.


EDUCATION DEPARTMENT,

Toronto, June, 1883.



CONTENTS.

	Pages.
Bill (No. 68), An Act to consolidate the Acts respecting the Education Department, - - - - -	1- 16
Bill (No. 67), An Act to consolidate the Acts respecting Public Schools, -	17-118
Bill (No. 68), An Act to consolidate the Acts respecting High Schools, -	119-142
Act respecting Separate Schools (Chapter 206, Revised Statutes), with the Amendments, - - - - -	143-154
Regulations of the Education Department on Public Schools, - - -	155-183



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No. 66.]

BILL.

[1882-3.

An Act to consolidate the Acts respecting the Education Department.

CONTENTS.

CHAP. 203.—Revised Statute respecting the Education Department.

42 Vic. CHAP. 34 (1879).—Public, Separate and High Schools.

43 Vic. “ 32 (1880).—Amendments to the Public Schools Act.

44 Vic. “ 30 (1881).—For further improving the School Law.

45 Vic. “ 30 (1882).—Amendments in the School Law.

NOTE.—(1) Each section of the Revised Statute is printed in the same text in this Bill and with the same number. (2) Amendments made therein by subsequent Acts are inserted within a *. (3) Any parts expressly repealed thereby are omitted but with proper references thereto. (4) Such provisions as have been impliedly repealed or altered, or become obsolete, are printed within brackets.

PART I.—EDUCATION DEPARTMENT AND MINISTER OF EDUCATION, secs. 1-3.

PART II.—POWERS AND DUTIES OF THE EDUCATION DEPARTMENT, sec. 4.

1. As to High Schools, s. 4 (1-9).
2. “ Public Schools, s. 4 (10, 11).
3. “ Normal Schools, s. 4 (12-18).
4. “ Teachers, s. 4 (19-21).
5. “ Text, Prize and Library Books, s. 4 (22-26).
6. “ Inspectors, s. 4 (27, 28).
7. “ Examiners, s. 4 (29, 30).
8. “ Legislative Grants, s. 4 (31).

PART III.—DUTIES OF THE MINISTER, secs, 5, 6.

1. As to High Schools, s. 5 (1-5).
2. “ Public Schools, s. 5 (6-8).
3. “ Normal Schools, s. 5 (9-11).
4. “ Teachers and Teachers' Institutes, s. 5 (12).
5. “ Text, Prize and Library Books and other appliances, s. 5 (13-22).
6. “ Inspectors, s. 5 (23).
7. “ Examinations, s. 5 (24).
8. “ Legislative Grants, s. 5 (25).
9. “ Management of Department, s. 6.
10. “ Appeals from Division Court decisions, s. 7-17.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

PART I.

EDUCATION DEPARTMENT AND MINISTER.

Department
established.

1. There shall be a Department of Education, which shall consist of the Executive Council, or a Committee thereof appointed by the Lieutenant-Governor; and one of the said Executive Council, to be nominated by the Lieutenant-Governor, shall hold the office of "Minister of Education."

Office of
Minister of
Education.

2. The office of Minister of Education may be held by a Member of the Executive Council holding no other office; and notwithstanding any salary attached thereto, he shall be capable of being elected, and sitting and voting as a member of the Legislative Assembly; or such office may be held in connection with any other office held by a member of the Executive Council; and any of the powers and duties of the said office may be assigned for a limited period, or otherwise, to any other of the members of the Executive Council holding any other Departmental office, by name or otherwise.

Acceptance of
the office of
Minister, no
vacation of
seat in the
Legislature.

3. In case a member of the Executive Council holding any one of the five Departmental offices established by the sixty-third section of the British North America Act of 1867, and being at the same time a member of the Legislative Assembly, resigns his office, and within one month after his resignation accepts the office of Minister of Education, he shall not thereby vacate his seat in the Legislative Assembly, unless the Administration of which such person was a member has resigned, and in the interval a new Administration has occupied the said offices; or in case such member of the Executive Council is appointed to hold the office of Minister of Education in addition to or in connection with one of the said five Departmental offices, he shall not thereby vacate his seat in the Legislative Assembly; and in either of the said cases any increase or change of emolument arising from the office of Minister of Education shall not cause any vacancy, or render a re-election necessary.

PART II.

POWERS AND DUTIES OF THE EDUCATION DEPARTMENT.

4. The Education Department is hereby empowered :

(1.) *As to High Schools.*

To prescribe
text-books,
etc.

1. To prepare and prescribe, from time to time, subject to the approval of the Lieutenant-Governor, text-books, pro-

gramme of studies and general rules and regulations for the organization and government of High Schools and Collegiate Institutes.

* 1a. sec. 8 (1882). To determine the terms and conditions on which existing Collegiate Institutes may be continued or discontinued, and new ones established, subject to and in accordance with the regulations of the Education Department at any time passed for the purpose, and approved by the Lieutenant-Governor in Council;

(2) Any such regulations shall be laid before the Legislative Assembly within the first seven days of the session next after the Order in Council is made for its ratification or rejection, and no such order shall be operative unless, and until, the same has been ratified by resolution of the Legislative Assembly. 45 V. c. 30, s. 8, (2).*

2. To make, from time to time, rules and regulations, subject to the approval of the Lieutenant-Governor in Council, for the distribution, [within the restrictions imposed by "*The High Schools Act*," of the High School Fund, among the several High Schools and Collegiate Institutes entitled to receive it].

To make rules and regulations as to High School Grants.

* Section 32 (1879). "Of the Legislative Grants for High Schools among the several High Schools and Collegiate Institutes according to the provisions of the High Schools Act." 42 Vic. c. 34, sec. 32.*

3. To appoint Inspectors of High Schools, and prescribe their duties.

High School Inspectors.

4. To require persons who may be hereafter employed as head masters of High Schools and Collegiate Institutes to furnish, from time to time, in addition to the qualifications already required by law for head masterhips of High Schools and Collegiate Institutes, satisfactory evidence of their knowledge of the science and art of teaching, and of the management and discipline of schools.

Additional qualifications of High School Masters.

(a) This clause shall not apply to any persons who have been employed as High School or Collegiate Institute masters before the 24th day of March, 1874.

Restriction.

5. To prescribe from time to time by regulations, subject to the approval of the Lieutenant-Governor, the subjects, times, and extent of the examinations of pupils for admission into the High Schools and Collegiate Institutes or otherwise; and also to determine the standard to be attained by each pupil at such examinations; and to declare the equivalents for the same in the examination for Public School teachers, and *vice versa*; Also to determine the equivalent to High Schools and

Admission of pupils to High Schools.

Further powers to the Department to grant equivalents to pupils passing High School examinations. Collegiate Institutes, where pupils successfully pass examination before learned Societies in Canada, or the British Dominions, such as any University, the Law Society, the College of Physicians and Surgeons, and the like; Also to arrange with such Societies for similar subjects in certain examinations, and for reciprocally accepting such examinations.

Papers for uniform examination.

6. To appoint from time to time a Central Committee, who under the direction of the Minister and subject to the regulations of the department, shall prepare questions for the examination of Public School teachers, and of pupils for admission to High Schools and Collegiate Institutes.

Special certificates to monitors or assistants.

7. To frame general regulations and instruction under which a High School Inspector may give a special certificate, to be valid for one year, to a senior pupil or pupils of a High School or Collegiate Institute, or other person or persons, to act as monitor or assistant, or monitors or assistants, in such High School or Collegiate Institute.

Exemptions.

8. To exempt, at the discretion of the Department, any High School or Collegiate Institute (the trustees of which have not sufficient funds to provide the necessary qualified teachers) from the obligation of having the German and French languages taught in such School or Institute.

Meteorological stations.

9. To designate, from time to time, subject to the approval of the Lieutenant-Governor, the number and locality of such meteorological stations as the Department may think desirable to establish in connection with the High Schools of the Province; and to authorize such forms of reports and meteorological journal to be used by the observers at such stations as it may judge necessary.

(2.) *Public Schools.*

To make regulations for Public Schools and teachers.

10. To make regulations, from time to time, for the organization, government, and discipline of Public Schools, and for the classification of schools and teachers.

Regulations as to elementary teaching.

11. To provide, by the training of teachers, the programme of studies, and special regulations for elementary teaching in the Public Schools, and amongst other subjects of the rudiments of agricultural chemistry, mechanics, and agriculture; but these subjects shall be optional.

(3.) *Normal and Model Schools.*

Efficiency of Normal and Model Schools.

12. To adopt all needful measures for the efficiency of the Normal Schools and Model Schools connected therewith, and of other training institutions, with a view to the instruction and training of teachers of Public Schools in the science of

education and the art of teaching; also to arrange with trustees Arrangement
or Board of Public Schools, for constituting one or more of with Trustees
the Public Schools to be the County Model School for the for County
preliminary training of Public School teachers, subject to gen- Model School.
eral regulations of the Department.

* 12*a*, *Sec. 27* (1879). To authorize a Separate School in any Model Schools
county to be constituted a Model School for the training of for teachers of
teachers for Separate Schools, subject to the regulations of Separate
the Department. 42 V. c. 34, s. 27.* Schools.

* 12*b*, *Sec. 1* (1879). To make regulations respecting Model
Schools for teachers in cities. 42 V. c. 34, s. 1.*

* 12*c*, *Sec. 11* (2) (1881). To authorize by Regulation County
Boards of Examiners to require from teachers in training at
the County Model School a reasonable fee for their instruction.
44 V. c. 30, s. 11 (2).*

13. To make, from time to time, rules and regulations neces- Regulations.
sary for the management and government of the Normal and
Model Schools, and of other training institutions.

14. To prescribe the terms and conditions on which students Terms and
and pupils will be respectively received and instructed in the conditions of
Normal and Model Schools, or in other training institutions. admission.

15. To determine the number and compensation of teachers, Number and
and of all others who may be employed in said Schools or in pay of
other training institutions. teachers.

16. To direct books and stationery to be procured for the Procure
Normal and Model Schools, and other training institutions. books and
stationery.

17. To do all lawful things which may be expedient to pro- Promote
mote the objects and interests of these Schools and institutions. interests of
Normal, etc.,
Schools.

18. To require at any Normal School or training institution Examination
in the Province, examinations to be held from time to time of of Normal
the students thereof, and to prescribe regulations for such School
examinations. students.

(4.) *Teachers.*

19. To prepare and prescribe, from time to time, a programme Examination
and regulations for the uniform examination and classification of Public
of Public School teachers, and of any person who has been School
trained at any Normal School or other training institution teachers.
for teachers, or who has been duly certified or licensed by
any recognized body as a school teacher in any part of the
British dominions; and to require such further conditions to

Condition for teachers' certificates. be complied with by candidates for Public School teachers' certificates, as will secure duly qualified teachers in the several Schools.

Give certificates. 20. To award, upon the examination and report of the Central Committee, first-class and second-class certificates respectively of qualification to Public School teachers, under such regulations and programme as may be determined by the Department, and upon the report of such Committee, to award also second-class certificates to candidates for first-class certificates who at the examination come up to the standard for second-class certificates, but who fail to come up to the required standard for first-class certificates.

To make regulations for granting pensions to superannuated teachers. Rev. Stat. cc. 204, 205. 21. To prescribe, with the approval of the Lieutenant-Governor, regulations subject to and within the restrictions imposed by "*The Public Schools Act*," and "*The High Schools Act*," for granting pensions to superannuated teachers of Public and High Schools and Collegiate Institutes.

(5.) *Text, Prize and Library Books.*

To recommend text and library books. 22. To examine, and at its discretion, recommend or disapprove of text-books for the use of schools, [or books for school libraries and prizes].

School libraries. 23. [To make regulations in regard to school libraries].

May permit the use of foreign books. 24. To give special permission, at the discretion of the Department, for the use in any Model or Public School of any foreign books in the English branches of education.

Examine books sent by booksellers or others. 25. [To examine or cause to be examined from time to time, any books, the names of which have not before appeared in the catalogues of the Education Department, and which may be forwarded (with a statement of their prices) to the Department by booksellers or other parties, who may have the same for sale].

Sanction library and prize books. 26. [To determine whether such books ought or ought not to receive the sanction of the Department for libraries or prizes in the Public and High Schools and Collegiate Institutes].

Decision. (a) [The decision of the Department in respect thereof shall, without delay, be communicated to the said bookseller or other parties concerned].

Books returned. (b) [The books so forwarded shall, on application, be returned to the persons forwarding the same].

Lists to be published in the *Journal of Education*. (c) [The names and prices of the books when sanctioned shall be published in the next number of the *Journal of Education*,

with the dates respectively at which the books were received at the Education Department, and laid before the Department for examination].

(6.) *Inspectors.*

27. To prescribe from time to time the qualifications of County, City, or Town Inspectors. Fix qualifications of inspectors.

28. To determine the time and manner of examination of candidates for certificates of qualification as Inspectors, and to grant to them on such examination certificates of qualification. Grant inspectors' certificates.

(7.) *Examiners.*

29. To prescribe from time to time the qualifications of members of County Boards of Examiners of Public School teachers; Fix qualifications of Examiners.

30. To determine the time and manner of examination of candidates for certificates of qualification as Examiners, and to grant to them on such examination certificates of qualification. Grant Examiners' certificates.

(8.) *Legislative Grants.*

31. To apply out of any grants annually voted by the Legislative Assembly such sums as the Lieutenant-Governor may authorize the expenditure annually of, for the purposes following:— Apply certain grants authorized.

(a) For the salaries of officers, and other contingent expenses of the Normal Schools and other training institutions;

(b) For facilitating the attendance of teachers-in-training at the Normal Schools and other training institutions;

(c) For the support of the Normal and Model Schools and other training institutions;

(d) For the payment of Inspectors of High Schools and Collegiate Institutes;

(e) For the support of superannuated Public and High School teachers;

(f) [For payment of the travelling expenses of teachers attending the Normal Schools, being candidates for second class certificates, and towards their maintenance].

PART III.

DUTIES OF THE MINISTER OF EDUCATION.

Duties.

5. It shall be the duty of the Minister of Education :—(1.) *As to High Schools.*Apportion
grant.Rev. Stat. c.
205, ss. 74 *et*
seq.

1. To apportion the High School Fund among the several High Schools and Collegiate Institutes, [as provided by the seventy-fourth and following sections of] * “according to the provisions of” * “*The High Schools Act*,” * “and the regulations of the Department.”* *Ante* sec. 4 (2).

Notify County
Clerk.

2. To notify each County Council, through the Clerk of the Council, of the apportionment of High School [Fund to] * “Grant to the High Schools in” * (*ante* sec. 4 (2)) such county, and to certify the same for payment to the Provincial Treasurer.

To see to
proper
application.
Rev. Stat.
c. 205.

3. To see that the High School [Fund] *Grants* apportioned by him [is] *are* in all cases applied to the purposes prescribed in “*The High Schools Act*.”

General
supervision.
Rev. Stat.
c. 205.

4. To see that each High School and Collegiate Institute is conducted according to the law and to the general rules and regulations authorized by this Act and by “*The High Schools Act*.”

Report to
Lieutenant-
Governor on
establishment
of High
Schools, etc.

5. To make such report or recommendation to the Lieutenant-Governor as he may judge necessary or expedient in regard to the decision of a County Council as to the establishment or discontinuance of any High School in a county.

(2.) *Public Schools.*R. S. O.
c. 203, s. 5,
amended.

* 6. *Section 20* (1879). “*For sub-sec. 6 of section 5 of the Revised Statutes*: ‘6. It shall be the duty of the Minister to apportion annually, on or before the first day of May, all sums granted or provided by the Legislature for the support of Public and Separate Schools, and not otherwise appropriated by law in the several Counties, Townships, Cities, Towns, and incorporated Villages, according to the ratio of population in each as compared with the whole population of Ontario, as shown by the last annual returns received from the clerks of the respective Counties, Cities and Towns, separated from a County.’” 42 V. c. 34, s. 20.*

Notice to the
Provincial

7. To certify to the Provincial Treasurer the apportionments made by him, so far as they relate to the several Counties, Cities, Towns and incorporated Villages; and to give imme-

diate notice of the apportionment to the Clerk of each County, City, Town and Village interested therein, stating the time when the amount of moneys so apportioned will be payable to the Treasurer of the County, City, Town or Village. Treasurer and County Clerks.

8. To direct the County Inspector, if he deems it expedient as to the distribution of the Public School Fund of any Township among the several school sections or part of sections entitled to share in the same, according to the length of time in the year during which a school has been kept open by a legally qualified teacher in each of such sections or parts of sections. Distribution by School Inspectors.

8a. Section 5 (1880). "To prescribe the form in which the trustees of every rural school section and the Public School Board of every Town, Village or Township, shall keep, or cause to be kept, books of account of all school moneys of their section, Town, Village or Township (as the case may be)." 43 V. c. 32, s. 5. Accounts in rural school sections.

(3.) *Normal *and Model* Schools.*

9. To take the general superintendence of the Normal *and Model* Schools. To have the supervision of the Normal Schools.

* 9a. Sec. 27 (1879). When in any county a Model School for the training of teachers for Separate Schools has been established or from the special circumstances of the Separate Schools therein, the Minister of Education should deem it expedient, he may recommend for appointment by the Lieutenant-Governor in Council some one competent person possessing qualifications prescribed by the Education Department, to be a member of the county board of examiners of such county in addition to the number now authorized, and who shall possess and discharge the like powers and duties as the other members of the said board. 42 V. c. 34, s. 27.*

10. To give, on the examination and report of the Central Committee of Examiners, to any person trained in any Normal School or other training institution for teachers, or who has been duly certificated or licensed by any recognized body as a school teacher in any part of the British dominions, a certificate of qualification of first or second class, which shall be valid in any part of the Province until revoked. To give Normal School certificates.

(a) No such certificate shall be given to any person who has not been a student in one of the Ontario Normal Schools, or who, if trained or licensed elsewhere, does not evidence by his examination the extent of his ability and aptitude to teach to the satisfaction of the Minister.

Responsibility for moneys. 11. [To be responsible for all moneys paid through him in behalf of the Normal and Model Schools, and to give such security for the same as the Lieutenant-Governor may require.]

(4.) *Teachers' Institutes and Associations.*

Appoint conductors of teachers' institutes. 12. To appoint proper persons to conduct County Teachers' Institutes, and to furnish such rules and instructions as he may judge advisable in regard to the proceedings of such Institutes, and the best means of promoting and elevating the profession of school teaching and increasing its usefulness, and to encourage Teachers' Associations.

Extension of Teachers' Certificates.

Annual report as to teachers holding third class certificates. * 12a. Section 2, (1882). "It shall be the duty of the County Inspector in every case, and of the Public School Board or Trustees by whom any Public School teacher, holding a third class certificate, has been employed, to prepare and send in annually to the Education Department, on or before the first day of June, a separate and independent report as to the fitness, aptness and success in teaching of each such teacher; and the Minister of Education shall have authority thereupon to determine whether, at the expiration of the term of such certificate, any such teacher is entitled to any and what extension of such term, and to grant the same for such a period as the circumstances of each case may justify." 45 V. c. 30, s. 2.*

(5.) *Text, Library and Prize Books and other appliances.*

Establishing school libraries. 13. [To employ all lawful means in his power to procure and promote the establishment of school libraries for general reading, in the several Counties, Townships, Cities, Towns, and Villages.]

Apportioning library grant. 14. [To apportion the moneys provided by the Legislature for the establishment and support of High and Public School libraries and prizes, and in providing High and Public Schools with maps and apparatus.]

Condition. (a) [No aid shall be given towards the establishment or support of any school library, or in providing prizes, maps and apparatus, unless an equal amount is contributed and expended from local sources for the same object.]

Text-books. 15. To use his best endeavours to provide for and recommend the use of uniform and approved text-books in the schools generally.

Issue catalogues. 16. [To cause to be printed from time to time a catalogue, showing the names and prices of all the books which are or

may be sanctioned by the Department for libraries and for prizes in the Collegiate Institutes, High and Public Schools.]

17. [To cause to be printed each half year a catalogue of any additional books which may be sanctioned by the Department for said purposes.] Additional catalogue.

18. [To authorize the payment, out of any moneys appropriated by the Legislature for that purpose, of one-half of the cost of any prize or library book sanctioned by the Department, for Public and High Schools and Collegiate Institutes, which may be purchased by a Municipal or School Corporation from any bookseller or other parties, instead of at the Depository of the Department.] Education Department to pay one-half of the cost of library and prize books purchased by municipal and school corporations.

[Such payment shall be made to the order of the Corporation purchasing any of the books specified in the catalogues or lists sanctioned by the Department on the following conditions:— Conditions.

(a) The Minister shall be duly certified of the facts ;

(b) He shall be furnished with the usual guarantee as to the proper disposition of the books, which may be purchased elsewhere than at the Depository ;

(c) He shall be furnished with certified vouchers of the cost, edition, and binding of the books so purchased elsewhere ;

(d) He shall not pay more than one-half of the cost of the books so purchased elsewhere, according to the prices specified for them in the printed catalogues, or in the authorized lists of such books published in the *Journal of Education*.]

19. [To authorize also the payment out of any moneys appropriated by the Legislature for that purpose of one-half of the cost of maps and apparatus which may be purchased by any School Corporation from any person, instead of from the Education Department, subject to like conditions as in the case of library and prize books, and to the regulations of the Department.] Payment of cost of maps, etc., not purchased from Education Department.

19a. (1879). ["To authorize the delivery from the Depository of any prize or library book or maps or apparatus in payment of an amount equal to the cost, according to authorized catalogue prices of any prize or library books, or maps or apparatus purchased by any School Corporation from any publisher or person, in lieu of payment out of moneys to be appropriated by the Legislature for that purpose, when desired by such School Corporation, and also] *To authorize the delivery from the Depository at cost price to Normal School students, stationery and text-books, maps, apparatus and library books, and to teachers' libraries, works on Education for their use,

also library, prize and text-books, maps and apparatus to Public Institutions maintained or aided from the Consolidated revenue." 42 V. c. 34, s. 20.*

Meteorological instruments.
Rev. Stat. c. 205.

20. [To procure the meteorological instruments, register books and forms mentioned in the eighty-third section of "*The High School Act*," at the request and expense of the Municipality of any county or city in which a meteorological station is, or may be, established.]

To provide plans for school-houses.

21. To provide and recommend the adoption of suitable plans of school-houses, with the proper furniture and appendages.

To disseminate useful information.

22. To collect and diffuse among the people of Ontario useful information on the subject of education generally.

(6.) *Inspection and Inquiry.*

Remuneration.

23. To appoint one or more persons, as he from time to time deems necessary, to inspect any school or schools, and inquire into and report to him upon any school matter; such Inspector or other person or persons shall be entitled to such remuneration out of any moneys appropriated by the Legislature for that purpose as may be deemed just and equitable, considering the nature and extent of the duties to be performed. Such person or persons, or any of them, shall have power to administer oaths to witnesses, or require them to make solemn affirmation of the truth of the matters they may be examined upon.

Power to commissioners to administer oaths.

Compelling attendance of witnesses.

* 23a. *Section 12*, (1880.) "In any matter of inquiry which the Minister is by law authorized to institute, make or direct, he may, upon application (without notice) to any of the Superior Courts, or a Judge thereof, obtain an order for the issue of a writ or writs of subpoena *ad testificandum*, and also *duces tecum*, to be directed to such person or persons for him or them to attend and give evidence under oath, at such times and places, and before such person or persons as the Minister shall appoint, and any default of any such person in obeying any such subpoena shall be punishable as in the like case in any action or cause in any of the said courts."* 43 Vic. cap. 32, sec. 12.

Issue of subpoenas under 43 Vic. c. 32, s. 12.

*23b. *Section 6*, (1882.) "Any writ of subpoena author- to be issued by the twelfth section of the School Act of 1873 may be issued from the High Court of Justice by the p^r 1880 officer in that behalf upon the *præcipe* of the Minister of Education therefor, containing the names of the several witnesses intended to be summoned thereby, and it shall be necessary to obtain any order of the said Court or not be thereof."* 45 Vic. cap. 30, sec. 6. a Judge

(6a.) *Confirmation of By-Laws.*

*23c. *Section 8, (1880).* "In all cases of the formation, alteration or dissolution of school sections within the same Township, or of Township Boards, or of union school sections comprised of the whole or parts of two or more Townships, or of school divisions comprised of a Town or Village, and the whole or parts of one or more Townships, any by-laws to be passed for any of such purposes shall become absolutely legal and valid, and the jurisdiction of any court to question the same shall be deemed to be ousted when such by-law has been submitted to and confirmed by the Minister of Education, who shall require notice to be given of such application by the parties applying, by advertisement or otherwise as he may direct, and the certificate of the Minister of Education endorsed on a certified copy of such by-law shall be conclusive evidence of such confirmation, and the provisions of this section may be taken advantage of for the confirmation of any by-law for any of such purposes heretofore passed and not quashed or otherwise declared invalid, and this section shall be deemed to apply to any such by-law." 43 Vic. c. 32. s. 8.*

Confirmation
of by-laws for
certain pur-
poses.

(7.) *Examinations.*

24. To transmit to the Public School Inspector of the County, City, or Town, or such other person as the Minister may appoint, the examination papers as prepared by the Central Committee for the admission of pupils to High Schools and Collegiate Institutes, or otherwise, with such directions as he may judge necessary, and with any instructions as to further *viva voce* examination which the Department may desire to give, and generally to see that all examinations prescribed by the Department are duly held.

High School
examination
papers to be
transmitted to
Inspector.

(8.) *Legislative Grants.*

25. To apply out of any grants annually voted by the Legislative Assembly, such sums as the Lieutenant-Governor may authorize the expenditure of, for the purposes following:—

Certain grants
authorized.

(a) For the purchase, from time to time, of books, publications, specimens, models and objects suitable for a [Canadian] library and museum, to be kept in the Normal School buildings at Toronto, and to consist of books, publications, and objects relating to education and other departments of science and literature, [and specimens, models and objects illustrating the physical resources and artificial productions of Canada, especially in reference to mineralogy, zoology, agriculture and manufactures;]

Museum.

(b) [For supplying a copy of the *Journal of Education* to every School Corporation, and every School Inspector;]

*Journal of
Education.*

- Libraries, (c) [For the establishment and support of libraries in connection with the schools ;]
- Prizes, maps, and apparatus, (d) [For providing the schools with maps and apparatus and prizes upon the same terms and in the same manner as books are provided for school libraries ;]
- Depository clerks. (e) [For the payment of a salesman and assistant clerks of the public library, prize, map and school apparatus depositories, in connection with the Education Department ;]
- Teachers' Institutes. (f) For the encouragement of Teachers' Institutes and Associations ;
- School architecture. (g) For procuring plans and publications for the improvement of school architecture, and practical science in connection with schools ;
- Poor Schools. (h) For special aid to Public Schools in new and poor Townships.

(9.) *Management of the Department.*

6. The Minister of Education shall have power :

- To prepare forms. 1. To prepare suitable forms and give such instructions as he judges necessary and proper for making all reports and conducting all proceedings under "*The Public Schools Act*" and "*The High Schools Act*."
- Acts, rules and regulations to be printed. 2. To cause the aforesaid forms, instructions, reports, copies of this Act and the said Acts, and of the general rules and regulations established and approved of as aforesaid, to be printed in a convenient form and transmitted to the parties required to execute the provisions of such Acts.
- Disagreement between Roman Catholic school trustees and officials. 3. To equitably decide, subject to an appeal to the Lieutenant-Governor, whose award shall be final, upon any case of dispute or disagreement between trustees of Roman Catholic Separate Schools and Inspectors of Public Schools, or other municipal authorities, which may be referred to his equitable arbitrament.
- Settle disputes and complaints. 4. To decide upon all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any Inspector or other school officer.
- Forfeited balances. 5. To direct the application of the balances of the School Fund apportioned for any year which may be forfeited according to the provisions of "*The Public Schools Act*," and "*The High Schools Act*," towards making up the salaries of teachers in the County to which the same has been apportioned.
- Rev. Stat. cc. 204, 205.

6. To deduct (should the Municipal Corporation of any County, Town, or Village raise in any one year a less sum than that apportioned to it out of the Legislative school grant) a sum equal to the deficiency, from the apportionment to such County, City, Town, or Village, in the following year.

Short
municipal
assessment.

7. To see that all moneys apportioned by him are applied to the objects for which they were granted ; and for that purpose, and when not otherwise provided for by law, to decide upon all matters and complaints submitted to him which involve the expenditure of any part of the School Fund.

All moneys to
be applied to
objects
intended.

8. [To lay before the Legislature, at each sitting thereof, correct and full account of the disposition and expenditure of all moneys which came into his hands as Minister of Education.]

Account for
moneys to
Legislature.

9. To make annually to the Lieutenant-Governor, up to the thirty-first day of December, a report of the actual state of the Normal, Model, High and Public Schools and Collegiate Institutes, showing the amount of moneys expended in connection with each class of these Schools and Institutes, and from what sources derived, with such statements and suggestions for improving the schools and school laws, and promoting education generally, as he may deem useful and expedient.

To report
annually on
Schools, Re-
port to be for
calendar year.

10. [To present in such report the journals or abstracts of them which the meteorological station observers are required by "*The High Schools Act*" to keep.]

And to include
meteorological
reports.
Rev. Stat.
c. 205.

(10.) *Appeals from Division Court Decisions.*

7. It being highly desirable that uniformity of decision should exist in cases within the cognizance of the Division Courts and tried in such Courts, in which the School Inspectors, trustees, teachers, and others acting under the provisions of "*The Public Schools Act*" and "*The High Schools Act*" are parties, the Judge of any Division Court wherein any such action is tried may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister of Education to appeal the case.

Appeals from
Division
Courts.

8. The Minister may, within one month after the rendering of judgment in any such case, appeal from the decision of the Division Court Judge to either of the Superior Courts of Law at Toronto, by serving notice in writing of such appeal upon the Clerk of the Division Court appealed from, which appeal shall be entitled "*The Minister of Education for Ontario, Appellant, in the matter between (A. B. and C. D.)*"

Minister may
appeal from
such Court to
one of the
Superior
Courts of Law.

Judge to send
papers to
Superior
Court.

9. The Judge, whose decision is thus appealed from, shall thereupon certify under his hand, to the Superior Court appealed to, the summons and statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto.

No further
proceeding
to be taken
after notice
of appeal.

10. After notice of appeal has been served as hereinafter provided, no further proceeding shall be had in such case until the matter of appeal has been decided by the Superior Court.

Judge to
certify pro-
ceedings to
the Minister.

11. On the Judge receiving an intimation of appeal from his decision (under the authority of this Act), he shall thereupon certify under his hand, to the Minister of Education, the statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections thereto.

Setting down
case in Su-
perior Court.

12. The matter shall be set down for argument at the next Term of the Superior Court.

Order thereon.

13. Such Court shall give such order or direction to the Court below, touching the judgment to be given in the matter, as law and equity require.

Costs.

14. The Court may also in its discretion award costs against the appellant, which costs shall be certified to and form part of the judgment of the Court below.

Costs of appel-
lant to be paid
by Minister.

15. All costs awarded against an appellant, and all costs incurred by him, shall be paid by the Minister, and charged as contingent expenses of his office.

Proceedings
in Division
Court when
appeal
decided.

16. Upon receipt of such order, direction, and certificate, the Judge of the Division Court shall forthwith proceed in accordance therewith.

Submit case
to Judges of
Superior
Court for
decision.
Rev. Stat. cc.
204, 205.

17. The Minister of Education shall have power to submit a case on any question arising under "*The Public Schools Act*" or "*The High Schools Act*," to any Judge of either of the Superior Courts, for his opinion and decision, or, with the consent of such Judge, to either of the Superior Courts, for their opinion and decision.

An Act to Consolidate the Acts respecting Public Schools.

CONTENTS.

CHAP. 204.—Revised Statute respecting the Public Schools.

41 Vic. CHAP. 8 (1878).—Amendments in the Revised Statutes.

42 Vic. “ 34 (1879).—Public, Separate and High Schools.

43 Vic. “ 32 (1880).—Amendments to the Public Schools Act.

44 Vic. “ 30 (1881).—For further improving the School Law.

45 Vic. “ 30 (1882).—Amendments in the School Law.

NOTE.—(1) Each section of the Revised Statute is printed in the same text in this Bill and with the same number. (2) Amendments made therein by subsequent Acts are inserted within a *. (3) Any parts expressly repealed thereby are omitted, but with proper references thereto. (4) Such provisions as have been impliedly repealed or altered, or become obsolete, are printed within brackets.

PART I.—PRELIMINARY.

1. Short title, s. 1.
2. Interpretation, ss. 2-4.
3. Existing school arrangements continued, ss. 5, 6.

PART II.—GENERAL PROVISIONS.

1. Public Schools free, s. 7.
2. Right of children to attend, s. 8.
3. Religious education, ss. 9, 10.
4. No foreign books on English subjects to be introduced without permission, ss. 11, 12.
5. Holidays and Vacations, ss. 13-15.
6. School lands granted before 1850 vested in trustees, s. 16.

PART III.—SCHOOL CORPORATIONS.

1. In rural school sections, ss. 17-21.
2. In villages and towns not divided into wards, s. 22.
3. In towns divided into wards, and cities, ss. 23-25.
4. In unorganized townships, ss. 26-35.
5. Office of Trustee, ss. 36-38.

PART IV.—SCHOOL ELECTIONS AND MEETINGS.

1. Annual elections, ss. 39-41.
2. Separate School supporters not entitled to vote, s. 42.
3. Election of Trustees in rural school sections, ss. 43-53.
 - (1) *In new school sections*, ss. 43-50.
 - (2) *Annual rural school section meetings*, s. 51.
 - (3) *Electors in rural school sections*, s. 52.
 - (4) *Deferred school meetings*, s. 53.

PART IV.—SCHOOL ELECTIONS AND MEETINGS—*Continued.*

4. In villages and towns not divided into wards, ss. 54-57.
5. In towns divided into wards, and cities, ss. 58, 59.
6. Declaration of voters in cities, towns and villages, s. 60.
7. Contested elections, ss. 61, 62.
8. Special provisions relating to the City of Toronto, ss. 63-77.
Repealed.

PART V.—DUTIES AND POWERS OF MUNICIPAL COUNCILS.

1. Township Councils, ss. 78-86.
 - (A) Duties.
 - (1) *Formation of rural school sections*, s. 78 (1-4).
 - (2) *Rural school assessment and loans*, ss. 78 (5-11), 79.
 - (3) *Valuation of school property on formation of Township Public School Board*, s. 78 (12, 14).
 - (B) Powers.
 - (1) *In General*, s. 80.
 - (2) *Alterations of school boundaries*, ss. 81-86.
2. County Councils, ss. 87-89.
 - (A) Duties.
 - (1) *As to levy of equivalent to Legislative grant*, s. 87 (1).
 - (2) “ *County School Inspectors*, s. 87 (2, 3).
 - (3) “ *County Board of Examiners*, s. 87 (4, 5).
 - (4) “ *Accommodation for examinations*, s. 87 (6).
 - (5) “ *County School Auditors*, s. 87 (7).
 - (6) “ *Exaction of security from officers and management of School Fund*, s. 87 (8, 9).
 - (7) “ *Payment of Teachers' salaries*, s. 87 (10).
 - (8) “ *Committee of Appeal from Township Councils*, s. 88.
 - (B) Powers.
 - (1) “ *Teachers' salaries and pensions*, s. 89 (1, 2).
 - (2) “ *County Public School Library*, s. 89 (3).
 - (3) “ *Appointment of Township Sub-Treasurer*, s. 89 (4).
 - (4) “ *Examinations for Teachers' Certificates*, s. 89 (5).
 - (5) “ *Levy in aid of School Fund or Poor Sections*, s. 89 (6).
 - (6) “ *Aid to County Model Schools and Teachers' Associations*, s. 89 (7).
3. Councils of cities, towns and incorporated villages, ss. 90-92.
4. Provisions relating to investment by Municipal Councils, ss. 93-96.

PART VI.—DUTIES AND POWERS OF SCHOOL CORPORATIONS.

1. General Provisions, ss. 97-101.
2. Rural School Trustee Corporations, ss. 102, 103.
 - (A) Duties.
 - (1) *As to official management*, s. 102 (1-5).
 - (2) “ *School property*, s. 102 (6, 7).
 - (3) “ *Providing accommodation*, s. 102 (8-10).
 - (4) “ *Obtaining school moneys*, s. 102 (11-16).
 - (5) “ *Employment and payment of teachers*, s. 102 (17, 18).
 - (6) “ *Admission of residents and non-residents*, s. 102 (19, 20).
 - (7) “ *Visiting Schools*, s. 102 (21).
 - (8) “ *Dismissal of Refractory Pupils*, s. 102 (22).

PART VI.—DUTIES AND POWERS OF SCHOOL CORPORATIONS—*Continued.*

- (9) *As to Text and Library Books*, s. 102 (23, 24).
- (10) “ *Annual and other school meetings and Report thereto*, s. 102 (25, 26).
- (11) “ *Half yearly Returns and Report to Inspector*, s. 102 (27, 28).
- (B) Powers, s. 103.
- 3. Public School Boards in cities, towns and incorporated villages, ss. 104, 105.
 - (A) Duties.
 - (1) *As to official management*, s. 104 (1-3).
 - (2) “ *School property*, s. 104 (4-8).
 - (3) “ *Determining kinds of schools and their teachers*, s. 104 (9).
 - (4) “ *Financial Estimate for Municipal Council*, s. 104 (10).
 - (5) “ *Collection and management of school moneys*, s. 104 (11-14).
 - (6) “ *Teachers' salaries*, s. 104 (15, 16).
 - (7) “ *Pupils*, s. 104 (17).
 - (8) “ *Providing accommodation*, s. 104 (18).
 - (9) “ *Text and Library Books*, s. 104 (19, 20).
 - (10) “ *Inspectors*, s. 104 (21, 22).
 - (11) “ *Expenses of examinations for admission to High Schools*, s. 104 (23).
 - (12) “ *Miscellaneous*, s. 104 (24-28).
 - (B) Powers, s. 105.

PART VII.—DUTIES AND POWERS OF MUNICIPAL AND SCHOOL OFFICERS.

- 1. Municipal Officers—
 - (1) *Township Assessors*, ss. 106, 107.
 - (2) *Township Clerks*, s. 108.
 - (3) *Collectors*, s. 109.
 - (4) *County Treasurer*, s. 110.
 - (5) *Sub-Treasurers*, s. 111.
 - (6) *County Clerk*, s. 112.
- 2. School Officers—
 - (1) *Rural School Collector*, s. 113.
 - (2) *Rural School Section Auditors*, ss. 114-119.

PART VIII.—SPECIAL PROVISIONS RESPECTING—

- 1. Selection of school sites, ss. 120-133.
 - (1) *Selecting school sites in rural sections*, ss. 120-122.
 - (2) *Acquisition in rural sections*, s. 123.
 - (3) *Arbitrations in rural sections*, ss. 124, 125.
 - (4) *In cities, towns and villages*, s. 126.
 - (5) *Allowance to Arbitrators*, s. 127.
 - (6) *Title to school sites*, ss. 128-133.
- 2. Union School Sections of parts of different Municipalities, ss. 134-141.
- 3. Township Boards, ss. 142-152.
- 4. Union of High and Public Schools, ss. 153-159.
- 5. Non-resident rates, s. 160.

PART IX.—PUBLIC SCHOOL TEACHERS.

- 1. Agreements, s. 161.
- 2. Qualified Teachers defined, s. 162.
- 3. Specific duties of Teachers, s. 163.
- 4. Protection in regard to salary, ss. 164, 165.
- 5. Superannuation of Teachers, ss. 166-175.

PART X.—INSPECTORS OF PUBLIC SCHOOLS.

1. Qualifications, ss. 176, 177.
2. Appointment and removal, ss. 178-183.
3. Remuneration, ss. 184-193.
4. Duties of Inspectors, ss. 194, 195.
 - (1) *Oversight of Schools*, s. 194 (1, 2).
 - (2) *Visiting Schools*, s. 194 (3-6).
 - (3) *Lectures, etc.*, s. 194 (7, 8).
 - (4) *Determination of Complaints as to Elections of School Trustees*, s. 194 (9).
 - (5) *Determination of Disputes*, s. 194 (10, 12).
 - (6) *Apportionment of Public School Fund*, s. 194 (13, 14).
 - (7) *Cheques to Teachers—Superannuation Money, etc.* s. 194 (15-19).
 - (8) *Examination of Public School Teachers*, s. 194 (20, 21).
 - (9) *Temporary Certificates*, s. 194 (22).
 - (10) *Endorsing Third Class Certificates*, s. 194 (23).
 - (11) *Special Certificates*, s. 194 (24).
 - (12) *Monitors' Certificates*, s. 194 (25).
 - (13) *Suspension of Teachers' Certificates*, s. 194 (26, 27).
 - (14) *Formation, Alteration, etc., of School Sections*, s. 194 (28, 29).
 - (15) *Formation, Alteration, etc., of Union School Sections*, s. 194 (30).
 - (16) *Annual Report*, s. 194 (32).
 - (17) *Miscellaneous*, s. 194 (33-41).
 - (18) *Appointment to Union School Sections*, s. 195.

PART XI.—COUNTY BOARDS OF EXAMINERS.

1. Constitution of the Board, s. 196.
2. Duties of the Board, ss. 197, 198.
3. Remuneration, s. 199.

PART XII.—TEACHERS' CERTIFICATES—ss. 200-205.

PART XIII.—SCHOOL VISITORS—ss. 206-209.

PART XIV.—COMPULSORY EDUCATION—ss. 210-212.

PART XV.—LEGISLATIVE GRANT—ss. 213-217.

PART XVI.—PROHIBITIONS AND PENALTIES—ss. 218-250.

1. Provisions affecting Municipalities and Municipal officers :
 - (1) *Responsibility of persons investing school moneys*, s. 218.
 - (2) *Responsibility of Municipalities to the Crown*, s. 219.
 - (3) *Responsibility of Treasurers to Municipalities*, ss. 220, 221.
 - (4) *Municipality liable to persons aggrieved by default of Treasurers*, s. 222.
 - (5) *Actions against persons acting under municipal by-laws*, s. 223.
 - (6) *Penalty for failure of Township Clerk to provide school map of Township*, s. 224.

PART XVI.—PROHIBITIONS AND PENALTIES—*Continued.*

2. Provisions affecting school officers :

- (1) *Contracts by Trustees with the School Corporation*, s. 225.
- (2) *Trustee not to hold certain offices*, ss. 226, 227.
- (3) *Responsibility of Trustees for school moneys*, ss. 228-230.
- (4) *Liability of Trustees and their Secretary-Treasurers to account for school moneys*, ss. 231-235.
- (5) *Refusal of Trustees to serve or exercise corporate powers*, ss. 236-238.
- (6) *Refusal to account to School Auditors*, s. 239.
- (7) *Neglect to send half-yearly returns to Inspector*, s. 240.
- (8) *Neglect to send annual report to Inspector*, s. 241.
- (9) *Penalty for making false Reports or keeping false Registers*, s. 242.
- (10) *Refusal to deliver up school property*, s. 243.

3. Miscellaneous :

- (1) *False declaration of right to vote*, s. 244.
- (2) *Misconduct of Returning Officers, etc., at elections*, s. 245.
- (3) *Neglect of Chairman to send report of school meetings to Inspector*, s. 246.
- (4) *Failure of Trustee to make declaration of office*, s. 247.
- (5) *Neglect to give notice of school meetings*, s. 248.
- (6) *Disturbing public school or school meeting*, s. 249.

4. Recovery of fines and penalties, s. 250.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

PART I.

PRELIMINARY.

-
1. This Act may be cited as "*The Public Schools Act.*" Short title.
 2. In the construction of this Act, Interpretation
 - (1) "Teacher" shall include female as well as male teachers. "Teacher."
 - (2) "County" shall include a Union of Counties. "County."
 - (3) "Township" shall include unions of Townships made "Township." for Municipal purposes.

"School site." (4) "School site" shall mean such area of land as may be necessary for the school building, offices and play-grounds connected therewith; and

"Owner." (5) "Owner" shall include a mortgagee, lessee or tenant, or other person entitled to a limited interest, and whose claims may be dealt with by the arbitration herein provided.

Meaning of reference to Municipal and Assessment Acts. 3. Wherever reference is made in this Act to the Municipal Institutions or Assessment Acts, it shall be held to mean those Acts, or amendments to them, which may be in force at the time of performing any duty under their authority.

No rate on supporters of Roman Catholic Separate Schools. 4. Nothing in this Act authorizing the levying or collecting of rates on taxable property for Public School purposes shall apply to the supporters of Roman Catholic Separate Schools.

Existing school arrangements continued. 5. All Public School sections or other Public School divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills, heretofore duly made in relation to Public Schools, and existing when this Act comes into force, shall be subject to the provisions of this Act.

Trustees' term of office. 6. The term for which each school trustee who holds office at the time this Act takes effect, shall continue as if such term had been created by virtue of an election under this Act.

PART II.

GENERAL PROVISION.

I. PUBLIC SCHOOLS TO BE FREE SCHOOLS.

Public Schools to be free. 7. All Public Schools shall be free schools.

II. RIGHT OF CHILDREN TO ATTEND SCHOOL, *AND DUTY OF PARENT OR GUARDIAN.*

Right of children to be educated. 8. Every child, from the age of seven to twelve years, inclusive, shall have the right to attend some school [or be otherwise educated, for four months in every year; and any parent or guardian who does not provide that every child between the ages aforesaid under his care shall attend some school or be otherwise educated, as thus of right declared, shall be subject to the penalties hereinafter provided by this Act].

Children from 7 to 13 to attend school. * 8a. Sec 1, (1881.) "The parent or guardian of every child, not less than seven years nor more than thirteen

years of age is required to cause such child to attend a public school, or any other school in which elementary instruction is given, unless there be some reasonable excuse for non-attendance." 44 V. c. 30, s. 1.*

* 8b. *Sec. 2*, (1881). "Except as hereinafter provided, the time which any such child is required to attend a public school, is during the whole time in each week for which such school is open for instruction of children, and for the respective periods of eleven weeks in each of the two terms of the public school year." 44 V. c. 30, s. 2.*

Time of attendance.

* 8c. *Sec. 3*, (1881). "Any person who receives into his house a child of any other person, under the age of thirteen years, and who is resident with him or in his care or employment, shall be deemed thereby to be subject to the same duty with respect to the elementary education of such child during such residence, and shall be liable to be proceeded against as in the case of a parent, if he should fail to perform his duty of causing such child to be educated to the extent required of a parent; but the duty of the parent under this Act shall not thereby be affected or diminished and shall continue in full force."

Duty of persons with whom any child under 13 resides.

"(2) In the case of each such child who is employed in any manufactory, one-half of the whole time required by this Act in each week for instruction shall be deemed to be sufficient instruction in such case." 44 V. c. 30, s. 3.*

Children employed in manufactories.

* 8c. *Sec. 4*, (1881). "A child shall not be required to attend a public school if such child is under efficient elementary instruction in some other manner, or if such child has been prevented attending school by sickness or other unavoidable cause, or if there is no public school which such child can attend within two miles, measured according to the nearest road from the residence of such child, if under the age of nine, and within three miles if over that age." 44 V. c. 30, s. 4.*

Exceptions.

* 8d. *Sec. 5*, (1881). "Public school boards and rural school trustees may appoint an officer to ascertain and report to the school board or trustees for their information, any parent or other person who has failed and omitted and is failing and omitting to perform the duty of providing that each child of his, or in his care or employment, between the ages aforesaid, is attending some school or otherwise being under efficient elementary instruction, and it shall be the duty of such officer to notify, personally or by letter, or otherwise, such parent or other person of his neglect or violation of duty and the consequences thereof." 44 V. c. 30, s. 5.*

Officer to enforce law may be appointed by board.

Notice to be given before taking proceedings for neglect.

* *Se. Sec. 6, (1881).* "No proceeding against any parent or other person for any neglect or violation on his part of the requirements of this Act shall be taken until after the expiration of fourteen days from the time in which he has been so notified, nor until such parent or other person has had an opportunity of attending a meeting of the school board or a committee thereof, or of the trustees, to state his or her reasons for not complying with such notice; but if such parent or other person should, on being so notified, either fail to appear or to satisfy the school board, or committee, or trustees, that this neglect or violation of duty has arisen from any of the grounds on which he would be excused, it shall be the duty of the public school board or trustees, through their said officer, to make complaint of such neglect or violation of duty to the police magistrate or a justice of the peace having jurisdiction under the Act respecting summary convictions before justices of the peace, and such police magistrate and justice shall possess and exercise all the powers conferred by the two hundred and eleventh section of the Public Schools Act." 44 V. c. 30, s. 6.*

Proof of age.

* *8f. Sec. 7, (1881).* "With respect to proceedings for any offence or penalty under the provisions of this Act, where a child is apparently of the age alleged, for the purpose of such proceeding it shall lie with the defendant to prove that the child is not of such age." 44 V. c. 30, s. 7.*

2. Nothing herein shall be held to require any Roman Catholic to attend a Public School, or to require a Protestant to attend a Roman Catholic School.

III. RELIGIOUS EDUCATION.

Pupils not to be required to observe religious exercises objected to by their parents.

9. No person shall require any pupil in any Public School to read or study in or from any religious book, or to join in any exercise of devotion or religion objected to by his or her parents or guardians.

To receive religious instruction as their parents desire.

10. Pupils shall be allowed to receive such religious instruction as their parents and guardians desire, according to any general regulations provided for the organization, government and discipline of Public Schools.

IV. NO FOREIGN BOOKS TO BE USED WITHOUT PERMISSION.

Foreign books not to be used without the permission of the Education Department.

11. No person shall use any foreign books in the English branches of education, in any Model or Public School, without the express permission of the Education Department.

12. No portion of the legislative school grant shall be applied in aid of any school in which any book is used that has been disapproved of by the Education Department, and public notice given of such disapproval. Schools using forbidden books not to receive Government aid.

V. HOLIDAYS AND VACATIONS IN PUBLIC SCHOOLS.

13. Every Saturday shall be a holiday in the Public Schools. Saturdays.

14. The Public School year shall consist of two terms: the first shall begin on the third day of January, and end on the seventh day of July; the second shall begin on the eighteenth day of August, and end on the twenty-third day of December. Terms.

**14a. Sec. 1 (1880).* "But in the case of Public Schools in rural school sections, or of Townships, the trustees thereof may open the schools therein on the third day of August, in any year after the present year, so that the term may begin in such school or schools on that day instead of the eighteenth day of August, and end on the twenty-third day of December following, but such additional period during which the school may be open shall not be considered in any appropriation of the Legislative or Municipal grants." 43 Vic. c. 32, s. 1.* R.S.O., c. 204, s. 14, amended.

15. There shall be two vacations during the year for Public Schools; the summer vacation shall be from the eighth day of July to the seventeenth day of August inclusive, the winter vacation from the twenty-fourth day of December to the second day of January inclusive. In the case of united Public and High Schools, and also of Public Schools in Cities, Towns and incorporated Villages, in which High Schools are situate, the vacations shall be the same as are prescribed for High Schools. Vacations. In cities, towns and villages.

VI. SCHOOL LANDS GRANTED BEFORE 1850 VESTED IN TRUSTEES.

16. All lands which, previous to the twenty-fourth day of July, one thousand eight hundred and fifty, were granted, devised or otherwise conveyed to any person or persons in trust for Common School purposes, and held by such person or persons, or their heirs or other successors in the trust, and have been heretofore vested in the Public School trustees of the school section or division in which such lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by said trustees and their successors upon the like trusts and subject to the same conditions and estates as the said lands are now respectively held. School lands granted before 1850 vested in trustees for school purposes.

PART III.

PUBLIC SCHOOL CORPORATIONS.

I. RURAL SCHOOL SECTIONS.

- Trustees' term of office. **17.** For each rural school section, there shall be three trustees, each of whom, after the first election of trustees, shall hold office for three years, and until his successor has been elected.
- Requisites for trusteeships. **18.** No person shall be eligible to be elected or to serve as school trustee in a school section who is not a resident assessed freeholder, householder or tenant in the school section.
- Trustees must make a declaration of office. **19.** Every person elected as trustee, and who is eligible and liable to serve as such, shall make the following declaration of office before the chairman of the school meeting; or if the chairman is elected trustee, he shall make said declaration before the secretary of the meeting:
- Declaration. "I will truly and faithfully, to the best of my judgment and ability, discharge the duties of the office of School Trustee, to which I have been elected."
- Trustees may resign. **20.** Any person chosen as a trustee of a rural school section may resign his office, with the consent, expressed in writing, of his colleagues in office, and of the School Inspector.
- Trustees to be a corporation. **21.** The trustees in every rural school section shall be a corporation, under the name of "The Public School Trustees of Section No. —, in the Township of —, in the County of —," and no such corporation shall cease by reason of the want of trustees; but in case of such want, any two assessed freeholders or householders of the section, or the Inspector, may, by giving six days' notice, to be posted in at least three of the most public places in the section, call a meeting of the assessed freeholders, householders, or tenants, who shall proceed to elect three trustees, in the manner prescribed in the forty-fifth and three following sections of this Act; and the trustees thus elected shall hold and retire from office in the manner prescribed for trustees by the forty-ninth section of this Act.
- Tenure of office.

II. VILLAGES AND TOWNS NOT DIVIDED INTO WARDS.

- Six trustees. **22.** In every Town, not divided into wards, and in every incorporated Village, there shall be six school trustees, two of whom, after the first election, shall retire from office yearly on the last Wednesday in December. *Sec. 7, 1879.*

III. TOWNS DIVIDED INTO WARDS AND CITIES.

23. For every ward into which any City or Town is divided, there shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected. Two trustees to be annually elected in each ward.

24. One of the trustees elected shall retire on the last Wednesday in December, yearly in rotation. *Sec. 7, 1879.*

25. The school trustees for each City, Town, or incorporated Village, shall be a corporation, under the name of "The Public School Board of the City (Town, Village, or Division) of ———, in the County of ———," and shall succeed to all the corporate property, rights and powers, and be subject to all the corporate obligations and liabilities of the preceding trustees. Trustees to be a corporation.

IV. UNORGANIZED TOWNSHIPS.

26. In unorganized Townships in any County or District, it shall be lawful for the Stipendiary Magistrate thereof and the Public School Inspector (if any) of the County or District, or for the Stipendiary Magistrate alone if there is no Inspector, and for the Inspector alone if there is no Stipendiary Magistrate, to form a portion of a Township, or of two or more adjoining Townships, into a school section. Formation of school sections in unorganized townships.

2. No such section shall, in length or breadth, exceed five miles in a straight line; and, subject to this restriction, the boundaries may be altered by the same authority from time to time, and the alteration shall go into operation on the twenty-fifth day of December next after such alteration.

3. No such school section shall be formed except on the petition of five heads of families resident therein.

27. After the formation of such a school section, it shall be lawful for any two of the petitioners, by notice posted for at least six days in not less than three of the most public places in the section, to appoint a time and place for a meeting for the election, as provided by law, of three school trustees for the section. Election of school trustees.

28. The trustees elected at such meetings, or at any subsequent school meetings of the section, as provided by law, shall have all the powers and be subject to all the obligations of Public School Trustees generally. Trustees' powers and obligations.

29. The trustees so elected shall annually appoint a duly qualified person to make out an assessment roll for the section, and shall transmit a certified copy thereof to the Stipendiary Magistrate (or Inspector); and it shall be the duty of the Stipendiary Magistrate, or of the Inspector if there is no Sti- Annual assessment roll. Revision of assessment roll.

pendiary Magistrate, to examine the said roll, and correct any errors or improper entries which he may perceive therein.

New sub-section thereto.

***29a. Sec. 20 (1878).** “(2.) In case of a school section in any unorganized Township or in any Municipality composed of one or more Townships, but without county organization, any person therein whose place of residence is at a distance of more than three miles in a direct line from the site of the school-house of such section shall be exempt from all rates for school purposes, unless any child of such ratepayer should attend such school. 41 V. c. 8, s. 20.*

Appeal against assessment roll.

30. A copy of the said roll, as so corrected, shall be open to inspection to all persons interested, at some convenient place in the section, notice whereof, signed by the Stipendiary Magistrate, or Inspector if there is no Stipendiary Magistrate, shall be annually posted in at least three of the most public places in the section, and shall state the place and the time at which the Magistrate or Inspector will hear appeals against said assessment roll; and such notice shall be posted as aforesaid by the trustees for at least three weeks prior to the time appointed for hearing the appeals.

Manner of appeal.

31. All appeals shall be made in the same manner and after the same notice, as nearly as may be, as appeals are made to a Court of Revision in the case of ordinary municipal assessments, and the Magistrate (or Inspector) shall have the same powers as such Court of Revision.

Confirmed roll binding.

32. The annual roll, as finally passed and signed by the Magistrate (or Inspector), shall be binding upon the trustees and ratepayers of the section until the annual roll for the succeeding year is passed and signed as aforesaid.

R. S. O., c. 204, s. 33, amended.

***33. Sec. 10 (1879).** “In Municipalities composed of more than one Township, but without County organization, it shall be optional with the Municipal Council thereof to form portions of the Townships comprising the Municipality into school sections, or to establish a Board of Public School Trustees, two members being elected for each ward, and if not divided into wards, two for each Township thereof, and such Board shall possess all the powers and duties of Township Boards, and shall also, upon the petition of at least five heads of families, provide school accommodation and a teacher for their children and others.” 42 Vic. c. 34, s. 10.*

Appeals in unorganized township.

34. Where any Township under the jurisdiction of a Township Board is unorganized, appeals against its certified assessment roll, made out by a person appointed by the Board, shall be made to the Stipendiary Magistrate or Judge of the district or county, who has jurisdiction in other matters therein.

35. In forming union school sections between and out of an organized Township Municipality and an unorganized Township or locality within any territorial or judicial district, it shall be lawful for such union school section to be formed or altered according to the provisions of this Act, except that the Stipendiary Magistrate shall act for the unorganized Township or locality, and the Reeve of the organized Township for his Township. Union school sections.

V. OFFICE OF TRUSTEE.

36. Any retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. Re-election of any trustee lawful.

37. Any trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. Term for vacancies.

38. If a trustee of any School Corporation is convicted of any felony or misdemeanour, or absents himself from the meetings of the Board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be a resident within the School Municipality for which he is a trustee, such trustee shall *ipso facto* vacate his seat, and the remaining trustee shall declare his seat vacant and order a new election. Vacancy in office of trustee, when caused.

* 38a. Sec. 13, (1881). "No public or high school trustee shall enter into any contract, agreement, engagement or promise of any kind, either in his own name, or in the name of another, and either alone or jointly with another, or in which he has any pecuniary interest, profit or promised or expected benefit, with the corporation of which he is a member, or have any pecuniary claim upon or receive compensation from such corporation for any work, engagement, employment or duty on behalf of such corporation, and every such contract, agreement, engagement or promise shall be null and void, and such trustee shall also *ipso facto*, vacate his seat, and a majority of the other trustees may declare the same accordingly." 44 V. c. 30, s. 13. * Certain contracts by school trustees to be void.

PART IV.

SCHOOL ELECTIONS AND MEETINGS.

I. ANNUAL ELECTIONS.

39. The annual meetings for the election of school trustees shall be held in all [Cities, Towns,] Townships [and incorporated Annual election on the last

Wednesday
in December.

Villages, on the last Wednesday in December (*Act of 1879*), in every year,] commencing at the hour of ten of the clock in the forenoon.

* 39a. *Sec. 9, (1879).* "All the provisions of the Public Schools Act respecting the election of trustees, and the annual meetings in Rural School sections, shall continue to apply to the Rural School Corporations, except that the annual meeting, and the nomination and election of trustees thereat, shall be held on the last Wednesday in the month of December in each year, or if such Wednesday be a holiday, then on the day next following." 42 Vic. c. 34, s. 9.*

Duration of
election.

40. [In Cities, Towns, and incorporated Villages, the same time shall be allowed for the election of school trustees which is allowed by the Municipal Institutions Act (which may be in force at the time) for the election of Municipal Councillors in such municipalities, except that the poll shall open at ten o'clock in the forenoon instead of nine.]

When poll
shall close.

41. The poll at every election of a Rural School trustee or trustees shall not close before eleven of the clock in the forenoon, but may close at any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four of the clock in the afternoon of the day on which the election is commenced.

II. SEPARATE SCHOOL SUPPORTERS NOT ENTITLED TO VOTE.

Separate
school sup-
porters not to
vote.

42. No person subscribing towards the support of a Separate School established under any Act respecting Separate Schools, and belonging to the religious persuasion thereof, and sending a child or children thereto, shall be allowed to vote at the election of any trustee for a Public School in the City, Town, Village or Township in which the Separate School is established.

III. ELECTION OF TRUSTEES IN RURAL SCHOOL SECTIONS.

(1.) *In New School Sections.*

Proceedings
on the forma-
tion of a new
school section.

43. Whenever a new school section is formed in any Township, as provided in the seventy-eighth section of this Act, the Clerk of the Township shall give notice of the description and number of such school section to the person appointed to call the first school meeting in it for the election of trustees.

A meeting in
new section
to be called
within twenty
days.

44. The person so appointed shall, within twenty days after receiving such notice, prepare a notice in writing, describing the section, and appointing a time and place for the first school section meeting, and shall cause copies of the notice so

prepared by him to be posted in at least three of the most public places in the new school section, at least six days before the time of holding the meeting.

45. The resident or non-resident assessed freeholders, householders, or tenants of such school section present at such first meeting shall elect one of their own number to preside over its proceedings, and shall also appoint a secretary, who shall record the proceedings of the meeting, and perform all such other duties as may be required of him by this Act. Chairman and secretary to be appointed at meeting. Duties.

46. The chairman of the meeting shall decide all questions of order, subject to an appeal to the meeting; and, in case of an equality of votes, he shall give the casting vote—but he shall have no vote except as chairman. Duties of chairman—his casting vote.

47. The chairman shall take the votes in the manner desired by a majority of the electors present; but he shall, at the request of any two electors, grant a poll for recording by the secretary the names of the voters present. Mode of recording votes at school meeting.

48. At the first school section meeting, the electors present shall, by a majority of votes, elect from the resident assessed freeholders; householders, or tenants, in the section, three trustees. Three resident trustees to be elected at first school meeting.

49. The trustees elected at a first school section meeting shall respectively continue in office as follows:— Term of office of each trustee.

1. The first person elected shall continue in office for two years, to be reckoned from the annual school meeting next after his election, and thence until his successor has been elected; First.

2. The second person elected shall continue in office for one year, to be reckoned from the same period, and until his successor has been elected; Second.

3. The third, or last person elected, shall continue in office until the next ensuing annual school meeting in such section, and until his successor has been elected. Third.

50. A correct copy of the proceedings of a first and of every annual and of every special school section meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman of such meeting to the County Inspector. Copy of proceedings to be sent to the County Inspector.

(2.) *Annual Rural School Meetings, and Elections.*

51. At every annual Rural School section meeting, [as authorized and required to be held by the thirty-ninth section of this Act], the assessed freeholders, householders, or tenants of such section present at such meeting, or a majority of them, Mode of proceeding at annual school meetings.

Appointment
of chairman
and secretary.

1. Shall elect a chairman and secretary, who shall perform the duties required of the chairman and secretary by [the forty-fifth, forty-sixth and forty-seventh sections of] this Act ;

Trustees' and
auditors' gen-
eral report to
be submitted.

2. Shall receive and decide upon the school report of the trustees, and shall receive, or otherwise deal with (as provided by this Act), the financial report of the auditor or auditors of the school accounts of the previous year laid before the meeting, as required by the one hundred and nineteenth section of this Act ;

Annual elec-
tion of school
trustees.

3. Shall elect a resident assessed freeholder, householder, or tenant, or freeholders or householders of the section, to be a trustee or trustees, to fill any vacancy or vacancies in the trustee corporation ;

School section
auditor to be
appointed.

4. Shall appoint a fit and proper person to be auditor of the school accounts of the section for the then current year.

(3.) *Electors.*

Who are legal
voters at
school
meeting.

52. No person shall be entitled to vote in any school section for the election of trustee, or on any school question whatsoever, unless he has been assessed, and has paid County, Township, or rural section school-rates as a freeholder, householder, or tenant of such section.

Who may vote
at election of
school trus-
tees.

*** 52a. Section 2, (1879).** "The right of any person to vote in any municipality, at any election of Public School Trustees or upon any school question, is extended so as to comprise, in addition to the persons now entitled by law, every person named upon 'The Voters' List' of such Municipality, and whether entitled to vote at Municipal elections or elections to the Legislative Assembly, when such person has been assessed for, and has paid a rate imposed upon him for Public School purposes within the last twelve months in the ward, Town, Village, or school section in which he is proposing to vote at such election or meeting." 42 Vic. c. 34, s. 2.

Voter to make
declaration if
required.

52b. Section 3, (1879). "In case an objection is made to the right of any person to vote at any such election in any Municipality or upon any other subject connected with Public School purposes therein, the returning officer, chairman or other officer presiding at the election or meeting shall require the person whose right of voting is objected to, to make the following declaration or affirmation :

'I, A. B., do declare and affirm that I am the person named in the certified copy of the Voters' List now shown to me [or have been rated on the last revised assessment roll of this municipality as a freeholder (or householder or tenant or in respect of income, as the case may be)], and that I am of the full age of twenty-one years, and that I have the right by law to vote at this election (or meeting, as the case may be).'

Whereupon the person making such declaration shall be permitted to vote." 42 Vic. c. 34, s. 3.*

(4.) *Deferred School Meetings.*

53. In case, from the want of proper notice or other cause, any first or annual school section meeting, required to be held for the election of trustees, was not held at the proper time, the Inspector, or any two assessed freeholders, householders, or tenants in the section may, within twenty days after the time at which the meeting should have been held, call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the school section; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

Meetings to be called in default of first or annual meetings.

IV. IN VILLAGES AND TOWNS NOT DIVIDED INTO WARDS.

54. On the incorporation of any Town or Village, the returning officer appointed to hold the first Municipal election therein shall call a meeting, by giving six days' notice in at least three public places in the Town or Village, for the election of school trustees to take place on the second Wednesday in January.

First election of school trustees in a village or town.

2. In case of his neglect to do so for one month, any two freeholders in the Town or Village may, on giving like notice, call a meeting for this purpose.

3. At such meeting six trustees shall be elected, who shall hold office during the periods mentioned in the next succeeding section.

55. The trustees of every such Town and Village shall be divided by lot into three classes, each consisting of two trustees, and to be numbered one, two, three.

Trustees when first elected to be classified

2. The first of such classes shall hold office one year, the second of such classes shall hold office for two years, and the third of such classes shall hold office for three years, and until the successors to the trustees in such classes respectively are elected.

56. The trustees composing one of such classes shall retire yearly in rotation.

Such trustees to retire yearly by rotation.

2. The order of such rotation of the trustees first elected shall be determined by lot at the first meeting of the trustees after their election.

3. Except the trustees elected at the first election, the trustees so to retire shall be those who have held the office for the

then next preceding three years, or who have been elected to supply any vacancy in the retiring class. 37 Vic. c. 28, s. 78.

Subsequent annual election of two trustees in towns and villages.

57. [A school meeting shall be held annually on the last Wednesday in December (*Act of 1879*), in every such Town and Village, at the place of the then last annual election of Councillors.]

2. [At such meeting the assessed freeholders and householders of the Town and Village shall elect two persons to be trustees in the place of the two retiring from office (*subject to the following provisions*):]

3. [The trustees so elected shall continue in office three years, and until their successors have been elected.]

V. IN TOWNS DIVIDED INTO WARDS AND CITIES.

First election of school trustees in cities and towns.

58. On the incorporation of any City or Town, and the division thereof into wards, two fit and proper persons shall, at the first election of school trustees, be elected school trustees of every ward, by a majority of the votes of the assessed freeholders and householders thereof.

Term of office.

2. One of the trustees (to be determined by lot at the first meeting of trustees after their election) shall retire from office at the time appointed for the next annual school election, and the other shall continue in office one year longer, and then retire.

3. Every trustee shall continue in office until his successor has been elected.

3. School Board Elections.

Provisions for elections of trustees of Public School Corporations.

58a. Section 7, (1879). "The annual and other elections of the trustees of all Public School Corporations, except in Rural School sections, shall be conducted under and subject to the following provisions:

Nominations.

"(1.) A meeting of the electors for the nomination of candidates for the office of Public School Trustee, shall take place at noon on the last Wednesday in the month of December annually, or if a holiday on the day following, at such place as shall from time to time be fixed by resolution of the Public School Board, and in municipalities divided into wards, in each ward thereof, if the Board in its discretion thinks fit.

Returning Officer.

"(2.) The Public School Board shall by resolution name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and in case of the absence of such officer, the chairman chosen by the meeting

shall preside, and the Public School Board shall give at least six days' notice of such meeting.

"(3.) If at the said meeting only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding, after the lapse of one hour, shall declare such candidates duly elected; but if two or more candidates are proposed for any one office, and a poll in respect of any such office is demanded by any candidate or elector, the returning officer or chairman shall adjourn the proceedings for filling such office until the first Wednesday of the month of January then next, when a poll or polls shall be opened at such place or places, and in each ward, where such exist, as shall be determined by resolution of the said trustees.

Proceedings at nomination.

"(4.) The poll or polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until five o'clock in the afternoon, and no longer, and any poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed without any vote having been polled.

Hours of polling.

"(5.) The Public School Board shall, before the second Wednesday in December in each year, by resolution, fix the place or places for the nomination meeting, and also for holding the election in case of a poll, and also name the returning officer who shall preside at the respective polling places, and forthwith give public notice thereof.

Public School Board to fix place for nomination and election, and name returning officer.

"(6.) The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the Public School Board, with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer.

Duty of returning officer after close of election.

"(7.) The Public School Board shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected the candidate or candidates having the highest number of votes, and shall, at noon on the day following the return of the poll books, put up in some conspicuous place in the municipality, and at one or more of the school-houses therein, a statement shewing the number of votes for each candidate; and a majority in number of the trustees remaining in office shall be a quorum for the foregoing purposes.

Duty of Public School Board.

"(8.) In case two or more candidates have an equal number of votes, the member of the Board present who is assessed highest as a ratepayer on the last revised assessment roll shall, at the time of declaring the result of the poll, give a vote for one or more such candidates, so as to decide the election.

Casting vote.

Judge of
County Court
to receive and
investigate
complaints.

“(9.) The Judge of the County Court, in case any complaint respecting the validity or mode of conducting the election of any trustee of a Public School Board in any Municipality within his county, is made to him within twenty days after such election, shall receive and investigate such complaint, and shall thereupon, within a reasonable time, in a summary manner, hear and determine the same (*Act of 1881*); and may by order cause the assessment rolls, collector's rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such person or persons to appear before him as he may deem expedient, and may confirm the said election or set it aside, or order that some other candidate was duly elected; and the Judge may order the person found by him not to have been duly elected to be removed; and, in case the Judge determines that any other person was duly elected, the Judge may order him to be admitted; and, in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall order a new election to be held, and shall appoint the time and place of holding such election. 42 Vic. c. 34, s. 7, sub-sec. 9, *as amended by* 44 Vic. c. 30, s. 9, sub-sec. 2.

Vacancy in
office of
trustee.

“(10.) In case of any vacancy in the office of trustee of any Public School Board arising from any cause, the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is filled.

Proceedings at
new election.

“(11.) The new election shall be conducted in the same manner and be subject to the same provisions as an annual election, and the Public School Board shall give at least six days' notice of the nomination of candidates, and in case a poll be demanded, the election shall be held one week from the day of said nomination.” 42 Vic. c. 34, s. 7. *

59. The voting shall be by open vote, and the provisions of the Act respecting voting by ballot shall not apply to such election. *The remainder of this section repealed by Act of 1879, sec. 7, above.*

VI. DECLARATION TO BE TAKEN BY ELECTORS IN CITIES, TOWNS AND VILLAGES.

60. *Repealed by Act of 1879. See 52, above.*

VOTERS' LISTS.

In cities and
towns divided
into wards,
clerk of muni-

* 60a. *Section 4, (1879.)* “In Cities and Towns divided into wards, and in Townships where Public School Boards exist, the Clerk of the Municipality shall furnish to the Public School

Board, within three days after request in writing, 'The Voters' List' for each ward of such Municipality, annexing thereto a list of the names of persons being supporters of Separate Schools, and also a list of the names, alphabetically arranged, of all freeholders, householders or tenants, and persons entitled to vote in respect of income, rated upon the then last revised assessment roll, and not being already upon 'The Voters' List.'" 42 Vic. c. 34, s. 4. *

*60b. *Sec. 5*, (1879). "In Towns not divided into Wards and Villages, the Clerk of the Municipality shall furnish to the Public School Board within three days after request in writing, 'The Voters' List' for each polling sub-division in the case of such Town or Village, as provided by the last preceding section." 42 Vic. c. 34, s. 5. *

60c. *Sec. 6*, (1879). "The Public School Board shall provide each polling place with the list aforesaid, and also a poll book; and, at every election at which a poll is demanded, the returning officer or person presiding, or his sworn poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in each column on which is entered the name of a candidate voted for by a voter, set the figure '1' opposite the voter's name, with the residence of the voter, and in case of a poll demanded upon any Public School question, the name of each voter shall be similarly placed in separate columns, marked 'for' or 'against.'" 42 Vic. c. 34, s. 6.

VII. CONTESTED ELECTIONS.

61. *Repealed by Act of 1879, sec. 7, sub-sec. 9, above.*

Inconsistent provisions repealed.

62. The expenses of the investigation of any such complaint shall be paid by the parties concerned, as may be decided by the County Judge.

Costs of contested elections.

VIII. SPECIAL PROVISIONS RELATING TO THE CITY OF TORONTO.

63-77. *Repealed by Sec. 8, 1879.*

PART V.

DUTIES AND POWERS OF MUNICIPAL COUNCILS.

I. DUTIES AND POWERS OF TOWNSHIP COUNCILS.

(A) DUTIES OF TOWNSHIP COUNCILS.

78. It shall be the duty of every Township Council—

(1.) *Formation of Rural School Sections.*

1. To form portions of the Township, where no schools have been established, into school sections.

Council to
form new
school sec-
tions—their
size.

(a) No section shall be formed which contains less than fifty resident children, between the ages of five and sixteen years, unless the area of the section contains more than four square miles.

Union of ex-
isting sections.

Meetings to be
called.

2. To unite two or more sections in the same Township into one, in case (at a public meeting in each section called by the trustees or County Inspector for that purpose) a majority present of the assessed freeholders and householders of each of the sections request to be united.

Convener.

3. To appoint a person in a new or united school section to call its first school section meeting; and cause such person to be notified by the Township Clerk in the manner prescribed in the forty-third section of this Act.

Township
Clerk to fur-
nish informa-
tion to County
Inspector.

4. To cause the Clerk of the Township to furnish the County Inspector of schools with a copy of all the proceedings of the Council relating to the formation or alteration of school sections.

(2.) *Rural School Assessments and Loans.*

Provisions for
ascertaining
Public and
Separate sup-
porters for
assessment.

Assessment
roll further
columns.

5. To cause the Assessor of the Township, in preparing the annual assessment roll of the Township, and setting down therein the school section of the person taxable, to distinguish between Public or Separate, and in setting down therein his religion, to distinguish between Protestant and Roman Catholic, and whether supporters of Public or Separate Schools, and the Assessor shall, accordingly, insert such particulars in the respective columns of the assessment roll prescribed by law for the school section and religion respectively of the person taxable, and the Court of Revision shall try and determine all complaints in regard to persons in these particulars alleged to

be wrongfully placed upon or omitted from the roll (as the case may be), and any person so complaining, or any elector of the Municipality, may give notice in writing to the Clerk of the Municipality of such complaint, and the provisions of "*The Assessment Act*," in reference to giving notice of complaints against the assessment roll, and proceedings for the trial thereof, shall likewise apply to all complaints under this section of this Act.

Rev. Stat.
c. 180.

(2a.) *Return as to Number and Ages of Children.*

* 5a. *Sec. 4* (1880). "It shall be the duty of every township council to cause the assessor of the township in preparing the annual assessment roll of the township to set down therein, in a separate column, the number of children between the ages of five and sixteen years, opposite the name of each person on the assessment who are resident with him, and the clerk of the township shall or or before the first day of July in each year, furnish the Secretary-Treasurer of each school section in the township with a statement of the total number of such children within that section, and shall also furnish the Public School Inspector with a statement of the total number in the township, and any expenses attending the assessment, collection or payment of school rates by the municipal council, or any of its officers, for the trustees entitled thereto, shall be payable by the municipality, and the said rates, as and when collected, shall within a reasonable time thereafter, and not later than the twentieth day of December in each year, be paid over to the trustees, without any deduction whatever; and the clerk of each township council shall also upon request, and free of any charge, furnish the Public School Inspector with a true copy of the assessed value of each school section as shewn in the revised assessment roll for that year, and also of the several requisitions of the trustees for school moneys. The township clerk shall be entitled to reasonable payment from the township council for the above mentioned services. The provisions of this section shall also apply to cities, towns, and villages, and the municipal councils and officers thereof, so far as consistent with any other provisions affecting the same, and shall also apply to Separate School Boards or trustees who may exercise their option of having their school rates collected by the municipal councils and the officers thereof." 43 V. c. 32, s. 4. *

Township assessors to enter on roll number of children between five and sixteen in each family.

Clerk to inform trustees of the number in the section.

Rates to be collected at expense of township, and paid over by 20th Dec.

Clerk to give copy of assessment to school inspector.

Applicable also to cities, towns and villages, and to separate schools.

* 5b. *Sec. 8* (1881). "After the first of January, 1882, it shall be the duty of every Municipal Council to cause the Assessor of the Municipality, in preparing the annual assessment roll thereof, to set down therein, in separate columns, the number of children whose ages are over sixteen and under twenty-one, and between seven and thirteen, in addition to the column for those over five and under sixteen years." 44 V. c. 30, s. 8. *

Collector's roll
—further
columns.

6. To cause the Clerk of the Township, in annually making out the Collector's roll, to place further columns therein, so that under the head of "*School Rate*" the Public School rate may be distinguished from the Separate School rate, and also under "*Special Rate for School Debts*," to distinguish between Public and Separate School purposes, and the Clerk of the Township shall prepare such Collector's roll accordingly, and the proceeds of any such rate shall be kept distinct by the Collector, and accounted for accordingly.

Collector of
school rates.

7. To cause, through their Collectors and other Municipal officers, to be levied in each year, upon the taxable property liable to pay the same, all sums of money for rates or taxes legally imposed thereon in respect of Public or Separate Schools by competent lawful authority in that behalf and at their request, and to account annually for the sums so to be collected, Sec. 4, (1880) *and any expenses attending the assessment, collection or payment of school rates by the Municipal Council, or any of its officers, for the trustees entitled thereto, shall be payable by the Municipality, and the said rates, as and when collected, shall within a reasonable time thereafter, and not later than the twentieth day of December in each year, be paid over to the trustees, without any deduction whatever; and the Clerk of each Township Council shall also, upon request, and free of any charge, furnish the Public School Inspector with a true copy of the assessed value of each school section as shown in the revised assessment roll for that year, and also of the several requisitions of the trustees for school moneys. The Township Clerk shall be entitled to reasonable payment from the Township Council for the above-mentioned services. 43 V. c. 32, s. 4.*

Provisions
permissive not
to impair any
provisions of
Rev. Stat.
c. 206.

(a) The foregoing provisions shall be construed so as not to affect or impair any of the provisions of "*The Act respecting Separate Schools*," and it shall be optional with the trustees of each Separate School, and of each Roman Catholic Separate School established under the said Act, or the Acts heretofore in force in that behalf, to avail themselves of the foregoing provisions of this Act, instead of those specially prescribed in the said Acts for the purpose of ascertaining the supporters of their respective Separate Schools in such Municipality, and the taxes payable by such supporters, and the collection thereof, and in cases where such option is exercised by the trustees' compliance with the special provisions of the said Act shall be unnecessary, but the trustees, in order to avail themselves of the foregoing provisions of this Act, shall give notice of such intention to the Clerk of the Municipality at least one week before the time prescribed by "*The Assessment Act*," for preparing the assessment roll.

Rev. Stat.
c. 180.

* (b) "In any case where the trustees of any Roman Catholic Separate School avail themselves of the provisions

contained in the seventy-eighth section of the Public Schools Act, for the purpose (amongst others) of ascertaining through the assessor of the Municipality the persons who are the supporters of Separate Schools in such Municipality, the assessor shall accept the statement of, or made on behalf of, any ratepayer that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the Assessment Roll for Separate School supporters, or if the assessor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last mentioned column." Sub-sec. 3, sec. 26, 1879. *

*(c) Sec. 10 (1881). "In any case when under the eighteenth section of the Assessment Act land is assessed against both the owner and occupant, or owner and tenant, then such occupant or tenant shall be deemed and taken to be the person primarily liable for the payment of school rates and for determining whether such rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves shall be allowed to alter or affect this provision otherwise, and in any case where as between the owner and tenant or occupant, the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay any such school rate, he may direct the same to be applied to either public or separate school purposes." 44 V. c. 30, s. 10. *

Occupant primarily liable for school rate.

8. To levy, and collect by assessment upon the taxable property in any school section, in the manner provided by this Act, and by the Municipal and Assessment laws at the time in force, such sum as may be required by the trustees thereof for the [purchase of a school site, the erection,] repair, rent, furniture and fittings of a school house and its appendages, the erection and repair of fences, outbuildings, [or the rent, purchase, or erection of a teacher's residence,] the purchase of maps, apparatus, text, library and prize books for the school, and salary of the teacher, assistant or monitor, and other like expenses of the school, as may be determined by such trustees.

Council to impose certain payments as required by trustees.

9. To pass a by-law granting to the trustees of any school section, on their application, authority to borrow any sums of money [which they may think necessary] for the purchase of school sites, for the erection [or repair] of a school house or school houses and their appendages, or for the purchase or erection of a teacher's residence; [and such by-law shall not be required to be submitted to a vote of the electors or ratepayers,] *but the trustees shall not borrow or levy or collect any rate for any sum of money for the purposes hereinbefore mentioned, unless the proposal for the same has been first submitted to and approved of by the duly qualified school electors of the section." (42 V. c. 34, s. 29.) *

Council may authorize trustees to borrow money for special purposes; provide for repayment.

Trustees in rural sections must submit loan or rate to electors.

School loans. 10. To issue a debenture or debentures, in the form given in the Schedule to this Act, for the amount of any loan which by any such by-law of the Council the trustees of such school section are authorized to make, together with a sufficient sum for the payment of the interest on the sum so borrowed, and a proportionate sum sufficient to form a sinking fund to pay off the principal [at any time within ten years].

Debentures may be for 20 years or less. * 10a. Sec. 4, s. 29 (1879). "Any debenture for any loan of money for school purposes may be for such term of years not exceeding twenty as the municipal council may think fit, and the municipal council may also in its discretion make the principal of such debt repayable by annual or other instalments, in the manner provided by the three hundred and thirty-second section of the Municipal Act." 42 V. c. 34, s. 29.*

Levy rate. 11. To cause to be levied in each year, upon the taxable property of the school concerned (and upon such other taxable property as is herein made liable in case of an alteration in the boundaries of the section or division), a sum sufficient to pay the interest on the amount borrowed by the trustees on the authority of the Council, and also a sum sufficient to pay off the principal [during any period not exceeding ten years, as may be agreed upon by the trustees and the lender of the money.]

Principal and interest. Proviso—Liability of old section. (a) Notwithstanding any alteration which may be made in the boundaries of such section or division, the taxable property situated in the school section or division at the time when such loan was effected, shall continue to be liable for the rate which may be levied by the Township Council for the repayment of the loan.

(b) If such a rate is not paid, it may be collected by the Township Council, by distress and sale of goods and chattels, or by suit in the Division Court.

(3.) *Valuation of School Property.*

Township valuers to estimate value of each school section property. 12. Where a by-law has been passed for establishing a Public School Board for the Township—to appoint the County Inspector, jointly with two other competent persons, to value the existing school houses, school sites, and other school property in each and every section of the Township, and to ascertain their respective debts and liabilities, as provided by section one hundred and forty-nine of this Act.

Give effect to their report. 13. To pass a by-law, and to give full effect to the report of said valuers.

Remuneration to valuers. 14. To pay to the Inspector and other persons, while engaged in the valuation of school sites and other school property, and reporting [thereon] *upon the formation or alteration of a

union school section* (44 V. c. 30, s. 9) under this Act, an allowance per day and for travelling expenses of not less an amount than that paid to a member of the County Council for attendance at its meetings.

79. No Township Council shall levy or collect in any school section during any one year more than one school section rate except for the purchase of a school site, or for the erection of a school house, *when the proposal for the same has been submitted to and approved of by the duly qualified school electors of the section,* (42 V. c. 32, s. 29) and no such Council shall give effect to any application of trustees for the levying or collecting of rates for school purposes, unless the trustees of the school section make the application to the Council at or before its meeting in August of the year in which the application is made.

Council not to levy more than one rate except in certain cases.

(B) POWERS OF TOWNSHIP COUNCILS.

80. Every Township Council shall have power to pass by-laws for the following purposes:—

(1.) *General Powers.*

1. To provide for obtaining such real property as may be required for the erection thereon of Public School Houses, and for other public purposes; and for providing any additional sums for the establishment and support of Public Schools according to this Act.

Real property. Support of schools.

2. To levy such sums as it judges expedient for purchasing books for a Township Library, under such regulations as are provided in that behalf.

Council may establish libraries.

3. To levy such sums as it judges expedient for procuring the site, and for the erection and support of a Township Model School; and in such event the members of such Township Council shall be the trustees of such Model School, and shall possess the powers of Public School trustees in respect to all matters affecting such Model School.

Council may establish, and be Trustees of Model School.

4. To give its consent to the merging, by the trustees, of any one or more Public Schools, at their discretion, into such Model Schools.

Public Schools may be united with Township Model School.

(a) Tuition to student teachers in such Model School shall be free.

5. To correct any omission or mistake in the Assessor's or Collector's school roll.

Correct mistakes in school roll.

Invest surplus
moneys.

6. To set apart surplus moneys for educational purposes, and to invest the same either in a loan or loans to school trustees or otherwise, as authorized by [the ninety-third and the ninety-fourth sections of] this Act.

Apportion
rates or other
moneys ac-
cording to rate
of teachers'
salaries.

7. To apportion, at its discretion, either out of moneys raised by rate, or out of any other moneys at its disposal and not otherwise specially appropriated, a sum to all of the Public Schools in the township equal to such proportion as the Council may see fit, of the actual salaries paid in the respective school sections during the year then last past, to the Public School teachers of such sections.

* *7a. Section 12 (1879).* "Or according to the average attendance of pupils at each school during the year then last past." 42 Vic. c. 34, s. 12.*

(2.) *Alteration of School Section Boundaries.*

Alteration,
etc., of school
sections.

81. Every Township Council shall also have power to pass by-laws to alter the boundaries of a school section, or to divide an existing section into two or more sections, or to unite portions of an existing section with another section, or with any new section, in case it clearly appears that all parties to be affected by the proposed alteration, division or union respectively, have been duly notified by the Council of the proposed proceeding for this purpose, or of any application made to the Council to do so.

Appeal to
County Coun-
cil from alter-
ation, etc.

82. Any alteration in the boundaries of a school section or division or union, as in the last preceding section mentioned, made by a Township Council, or the neglect or refusal of the Council to take any such proceeding at the request, in writing, of the trustees of the school section concerned, or of the Inspector, may be appealed against to the County Council, as provided in section eighty-eight of this Act.

New village
boundaries.

83. The school boundaries of a Village rural school section, or other school division, existing at the time of its incorporation as a Village or Town Municipality, shall continue in force, and be considered as the school boundaries of the newly incorporated Village or Town, notwithstanding its incorporation, until such boundaries are altered under the authority of this Act.

Alteration of
school divi-
sions within
R.S.O. c. 204,
s. 83.

* *83a. Section 7 (1880).* "In cases of school divisions within section [eighty-three] of the Public Schools Act, it shall be competent for the Council of the Township in which any part of such school division is situate, to withdraw the same or any portion thereof from such school division, and to annex the same to another school section in the same Township, or to form a new section thereof by by-law to be

passed before the first day of October in any year, and to take effect on the first day of January next following; and in case of any disagreement as to the terms of such withdrawal, the same shall be determined in the manner provided by law, with respect to the alteration or dissolution of union school sections." 43 V. c. 32, s. 7.*

84. Every alteration made in the boundaries of a rural school section by a Township Council, under the restrictions imposed in this Act, shall be by by-law, which by-law shall be passed not later than the first day of May in any year, nor shall the same take effect before the twenty-fifth day of December next after the alteration has been made; and it shall be the duty of the Township Clerk to send forthwith, after the by-law has been passed, a written notice of the alteration to the trustees of every school section affected by the alteration, and to the Public School Inspector.

School section boundaries must be altered by 1st May.

Notice.

85. On the formation, dissolution or alteration of a union school section, or on the formation, division or alteration of any school section in the same Township, the County Inspector and two other persons appointed by the Township Council as valuers shall value and adjust in an equitable manner all rights and claims consequent upon such formation, division, dissolution or alteration between the respective portions of the Township affected, and determine in what manner and by what portion or by whom the same shall be settled; and the determination of the said valuers or any two of them shall be final and conclusive.

Adjustment of claims between unions in same township.

86. In case a school site or school house or other school property is no longer required in a section, in consequence of the alteration or the union of school sections, the same shall be disposed of, by sale or otherwise, in such a manner as a majority of the assessed freeholders and householders in the altered or united school sections may decide at a public meeting called for that purpose; and the inhabitants transferred from one school section to another shall be entitled, for the Public School purposes of the section to which they are attached, to such a proportion of the proceeds of the sale of such school house or other Public School property as the assessed value of their property bears to that of the other inhabitants of the school section from which they have been so separated; and the residue of such proceeds shall be applied to the erection of a new school house in the old school section, or to other Public School purposes of such old section. In the case of united sections, the proceeds of the sale shall be applied to the like Public School purposes of such united sections.

Disposal of school property when not wanted.

Altered sections.

United sections.

II. DUTIES AND POWERS OF COUNTY COUNCILS.

(A) DUTIES OF COUNTY COUNCILS.

(1.) *Levy of Equivalent to Legislative Grant.*

87. It shall be the duty of the County Council—

To raise equivalent to Legislative school grant.

1. To cause to be levied yearly upon the several Townships of the County, for the payment of the salaries of legally qualified Public School teachers, assistants or monitors, such sums of money as shall be at least equal (clear of all charges of collection) to the amount of school money apportioned by the Minister of Education to the several Townships of the said county for the year, and notified by him to the Council through the County Clerk.

* 1a. *Section 11* (1881). "To provide and levy in each year, in aid of each County Model School established in such County, under the regulations of the Education Department, an amount at least equal to the amount apportioned or paid by the Education Department, in support of County Model Schools out of any grant annually voted by the Legislature for that purpose, but such amount shall not exceed the sum of one hundred and fifty dollars in one year, unless the County Council should think fit to provide a larger amount of aid." 44 V. c. 30, s. 11.*

(2.) *As to County Public School Inspectors.*

Appointment of School Inspectors.

2. To appoint and pay quarterly the County salary of one or more persons holding the necessary certificate of qualification (as prescribed by this Act), to be Inspector or Inspectors of Public Schools in the County, who shall each have charge of not more than one hundred and twenty, or less than fifty schools each.

Number.

(a) It shall not be necessary to appoint more than one Inspector in each Riding of a County.

French or German.

(b) In Counties containing any Municipality wherein the French or German language is the common or prevailing language, an Inspector may have charge of any number of schools not less than forty.

Counties may appoint additional Inspectors.

(c) In Counties where there are more than fifty Public Schools, the County Council may appoint two or more persons (according to the number of schools), holding such certificates, to be Inspectors, and prescribe and number the territorial limits of each.

(d) In a County where there are two or more County Inspectors, the Council of such County may, from time to time, change or remove the Inspectors from one circuit or Riding of the County to another. Change Inspectors.

3. To fill up, from among those legally qualified, any vacancy in the office of County Inspector caused by death, resignation, dismissal or other cause. Fill vacancies.

(3.) *As to County Board of Examiners.*

4. To appoint a County Board of legally qualified examiners (for the examination and licensing of Public School teachers, being candidates for third-class certificates, in accordance with the regulations provided by law), consisting of the County Inspector and not more than four other competent persons, whose qualifications shall, from time to time, be prescribed by the Department of Education. Examination of Public School teachers.

5. To pay the incidental and other expenses of the Board of Examiners, as follows:— Expenses of the Board.

(a) Recompense to the members for their time, travelling, and other expenses, at least equal to that which members of the County Council receive. This recompense may be increased as may be determined by the Council.

(b) Expenses of stationery, room, fuel, light, printing of notices, examination papers and certificates for teachers.

(c) Such remuneration to the Secretary of the Board as the Board may deem just and expedient.

(4.) *Accommodation for Examinations.*

6. To provide, upon the application of the Inspector, suitable rooms or other accommodation for holding the examination of Public School teachers in the County. Examination of teachers.

(5.) *As to County School Auditors.*

7. To appoint annually, or oftener, auditors, who shall audit the accounts of the County Treasurer, and other officers to whom Public or High School moneys have been entrusted, and who shall report to such Council. Auditors of school moneys to be appointed.

(6.) *Exaction of Security from Officers, and Management of School Fund.*

8. To see that sufficient security is given by all officers of the Council to whom school moneys are entrusted. To obtain security from all persons entrusted with school moneys.

No deduction
from school
fund.

9. To see that no deduction is made from the school fund by the County Treasurer or sub-Treasurer for the receipt and payment of school moneys.

(7.) Payment of Teachers' Salaries.

Payment of
teachers.

10. To make the necessary provisions for enabling the County Treasurer to pay, not later than the fourteenth day of December in every year, the Public School Inspector's order, in favour of a teacher, assistant, or monitor.

(8.) Committee of Appeal from Township Councils.

County Coun-
cils to appoint
committees to
settle appeal
against forma-
tion or altera-
tion of school
sections.

88. The Council of the County in which any Township is situate shall appoint a committee of not more than five, or less than three, competent persons (two of whom shall be the County Judge and a County Inspector), and a majority of whom shall form a quorum, to investigate the matter of any appeal or complaint by a majority of the trustees, or any five ratepayers, of one or more school sections in any township, to the County Council, against any by-law or resolution passed at any time previously by the Township Council for the formation, division, union or alteration of their school section or school sections, or against the neglect or refusal of the Township Council (on application being made to it by the trustees, or Inspector) to form, divide, unite or alter the boundaries of a school section or school sections within such Township.

2. The Committee thus appointed shall revise, determine or alter the boundaries of the school section or school sections, so far as to settle the matters complained of; but the alterations or determination of the said matters shall not take effect before the twenty-fifth day of December in the year in which the committee so decides, and shall thence continue in full force for the period of five years at least, and until lawfully changed by the Township Council, but such change shall be subject to the like appeal to the County Council.

Who may not
act on the
committees.

3. No person shall be competent to act on the committee who was or is a member of the Township Council which passed the by-law or resolution complained of.

Notice.

4. Due notice of the alterations or the determination of the said matters made by the committee shall be given by the Inspector to the Clerk of the township and to the trustees of the school sections concerned.

(B) POWERS OF COUNTY COUNCILS.

(1.) *Teachers' Salaries and Pensions.*

89. Every County Council shall have authority—

1. To arrange for the payment of such sums as may be required for teachers' salaries, so that the salaries may be paid at least quarterly in each year; and if there are not sufficient funds, to borrow from any banking corporation such sums as may be required in the meantime until the taxes imposed therefor can be collected; and the Council shall regulate by by-law the amount to be so borrowed at a rate of interest not to exceed seven per cent. per annum, and the promissory note to be given under the seal of the corporation or the County Council may pay such sums as may be necessary for the said purposes out of any surplus moneys of the County, to be refunded out of the rate when collected.

Quarterly pay ment of teachers' salaries.

2. To supplement, out of local funds, any pension granted by the Education Department to any Public or High School teacher.

Supplement Teacher's pension.

(2.) *County Public School Library.*

3. To raise by assessment such sums of money as it may judge expedient, for the establishment and maintenance of a County Public School Library.

Council may establish County Library.

(3.) *Appointment of County Sub-Treasurer.*

4. To appoint, if deemed expedient, one or more sub-Treasurers of school moneys for one or more Townships of the County.

School sub-treasurers for townships may be appointed.

(4.) *Examinations for Teachers' Certificates.*

5. To authorize and direct a separate examination for the granting of certificates to Public School teachers, to be held in each division of the County where there are two Inspectors in the County.

Two examinations in county.

(5.) *Increase of sums levied on Townships.*

6. To increase the sums of money levied yearly upon the several Townships for the payment of duly qualified teachers, either (1) in aid of the County School Fund; or (2), on the recommendation of one or more County Inspectors, to give special or additional aid to new or needy school sections.

Increase of sums levied on townships.

(6.) *Aid to County Model Schools and Teachers' Associations.*

7. To provide and levy in each year the following sums :

Aid to County Model Schools. (a.) The sum of one hundred* and fifty* (44 V. c. 30, s. 11) dollars, at least, towards each Public School which may become a County Model School ; and which may be established by the Council in the County or any electoral district, or in any City or Town separated under any agreement with the School Board of any such City or Town.

To Teachers' Association. (b.) The sum of fifty dollars towards the County Teachers' Institute or Association in the County or in each Inspector's District.

III. DUTIES AND POWERS OF COUNCILS OF CITIES, TOWNS AND INCORPORATED VILLAGES.

Powers of Councils in cities, towns and villages. **90.** The Municipal Council of every City, Town and incorporated Village is hereby invested, within its limits, with the same powers, and shall be subject to the same obligations (so far as they can apply to such City, Town and incorporated Village), as the Municipal Councils of Counties and Townships are by this Act, and the provisions contained in [sub-sections five, six, seven and eight of section seventy-eight] shall amongst others apply to Cities, Towns and incorporated Villages and the Councils and officers thereof.

By-law need not be ratified by electors. **91.** No by-law of a City, Town or incorporated Village for creating a debt for school purposes shall be required to be submitted to a vote of the electors or ratepayers, except under and subject to the following provisions :

Municipal council may refuse to raise money for purchase of school site, etc. * *Sec. 29 (1879).* "In any case where a high school board or public school corporation may, by law, require the municipal council to raise or borrow a sum of money for the purchase of a school site, or the erection or purchase of any school-house or addition thereto, or other school accommodation, or for the purchase or erection of a teacher's residence, such municipal council may refuse to raise or borrow any such sum when it is so resolved by a two-thirds vote of the members present at the meeting of the council for considering any by-law in that behalf.

School board may require question to be submitted to electors. (2) "Where the municipal council, by a two-thirds vote refuses to raise or borrow the sum proposed, then such question shall be submitted by the municipal council, if requested by the school board, to the vote of the electors of the municipality in the manner provided by the Municipal Act for the creating of debts, and in the event of the assent of the municipal elec-

tors being thereby obtained, then it shall be the duty of such council to raise or borrow such sum." 42 V. c. 34, s. 29.*

92. The Council of every City and Town separated may pass by-laws for the following purpose:—

Pupils competing for High School prizes.

For making a permanent provision for defraying the expenses of the attendance at the High School of such of the pupils of the Public Schools of the City or Town as are unable to bear the expense, but are desirous of, and in the opinion of the respective masters of such Public and High Schools possess competent attainments for, competing for any scholarship, exhibition, or other similar prize offered by such High School.

IV. PROVISIONS AS TO INVESTMENT BY MUNICIPAL COUNCILS.

93. Any Municipal Corporation having surplus moneys derived from the Ontario Municipalities Fund, or from any other source, may by by-law set such surplus apart for educational purposes, and invest the same, as well as any other moneys held by such Municipal Corporation for, or by it lawfully appropriated to, educational purposes, in public securities of the Dominion, municipal debentures, or in first mortgages on real estate, held and used for farming purposes, and being the first lien on such real estate, and from time to time, as such securities mature, may invest in other like securities, or in the securities already authorized by law, as may be directed by such by-law, or by other by-laws passed for that purpose.

Surplus moneys investment by municipalities

2. No sum so invested shall exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll at the time it is so invested. *See also similar provisions in Municipal Act.*

94. Any municipal corporation having surplus moneys set apart for educational purposes, may, by by-law, invest the same in a loan or loans to any School Corporation within the limits of the Municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and may be set forth in such by-law, or may by by-law grant any portion of such moneys or other general funds by way of gift to aid poor school sections within the Municipality. *See also Municipal Act.*

Loan to school corporation by municipalities.

95. All moneys paid to any Municipality, or to which it is entitled under the Municipal Loan Fund Acts, shall be applied by the Municipality in aid of building or improving schools, or shall be applied in or to the other purposes specified in said Acts.

Moneys under Municipal Loan Fund Acts in aid of school houses.

School corporations may borrow such moneys.

96. Any School Corporation may, with the consent of the freeholders and householders of their school section first had and obtained at a special meeting duly called for that purpose, by by-law authorize the borrowing from any Municipal Corporation of any such surplus moneys as aforesaid, for such term and at such rate of interest as may be set forth in such by-law, for the purpose of purchasing a school site or school sites, or erecting a school house or school houses ; and any sum or sums so borrowed shall be applied to that purpose, and to that only.

PART VI.

SCHOOL CORPORATIONS, POWERS AND DUTIES.

I. GENERAL PROVISIONS.

Corporate acts must be performed at lawful trustee meetings.

97. No act or proceeding of a School Corporation which is not adopted at a regular or special meeting of the trustees, shall be valid or binding on any party affected thereby, and notice of the meeting shall be given by the secretary to each of the trustees, or by any one of the trustees to the others, by notifying them personally, or in writing, or by sending a written notice to their residences.

Quorum of School Boards, etc.

98. In the case of Public School Boards in Cities, Towns or Villages, and of Township Boards, a majority of the members of such Board, when present at any meeting, shall constitute a quorum, and the vote of the majority of such quorum shall be valid to bind the corporation ; and in any case of an equality of votes, the chairman shall have the casting vote in addition to his own vote.

Equality of votes.

Quorum of rural school corporations.

99. In the case of rural school section corporations, the resolution, action or proceeding of at least two of the trustees shall be necessary in order lawfully to bind such corporation.

Record of proceedings.

100. A record of the proceedings of such trustee meetings shall be entered in a book of the corporation kept for that purpose, and signed by the senior or presiding trustee.

Levy and collect rate.

101. [The trustees of rural school sections, as well as the Municipal Councils of Cities, Towns, Villages and Townships, shall, in the manner provided by this Act and the Municipal and Assessment Laws then in force, levy and collect the rate upon the taxable property of the school section (*as the case may be*), to defray the expenses of the schools, as determined by the said trustees.]

* *Sec. 11 (1879).* "The powers of Trustees of Rural School sections in organized townships, to levy or collect upon their own authority Public School rates, ceased and were determined on the eleventh of March, 1879, and thenceforth it became and is the duty of the Public School Trustees to obtain all moneys for Public School purposes, which may be levied by rate on taxable property, by the means and under the provisions contained in the [seventy-eighth and seventy-ninth] sections of the Public Schools Act." 42 V. c. 34, s. 11.* Levying School rates.

II. RURAL SCHOOL TRUSTEE CORPORATIONS.

(A) DUTIES.

* **101a.** *Section 5 (1880).* "The trustees of every Rural School section and the Public School Board of every Town, Village or Township shall keep, or cause to be kept, books of account of all school moneys of their section, Town, Village or Township (as the case may be), according to such form as may be prescribed by the Minister of Education." 43 V. c. 32, s. 5.* Accounts in rural school sections.

102. It shall be the duty of the trustees of every rural school section— Duties of trustees.

(1.) *As to Official Management.*

1. To appoint a secretary-treasurer, who may be one of themselves, and who shall give such security as may be required by a majority of the trustees. Appointment and duties of secretary-treasurer.

(a.) The trustees shall deposit the security for safe keeping with the Township Council; and the security shall be for, Security.

(1.) The correct and safe keeping and forthcoming (when called for by the trustees, auditors or other competent authority) of the papers and moneys belonging to the corporation. Correct keeping of papers and moneys.

(2.) The correct keeping of a record of all the proceedings of the trustees in a book procured by them for that purpose. Records.

(3.) The receiving and accounting for all school moneys collected by school rate [rate-bill, subscription] or otherwise, from the inhabitants or ratepayers of the school section or other parties. Moneys.

(4.) The disbursing of such moneys in the manner directed by the majority of the trustees. Disbursing.

Payment over. (5) And for the paying over, at the end of every half-year, to the order of the Inspector, the amount of money which is in such secretary-treasurer's hands—being teachers' superannuation money which said Inspector has deducted from the salary or salaries of the male teacher or teachers employed by the trustees during each such half-year, or which is payable to the Superannuated Teachers' Fund.

Moneys collected to be paid to secretary-treasurer. (b.) All moneys collected in any school section by the trustee corporation shall be paid into the hands of the secretary-treasurer thereof.

Appointment and duty of school collector. 2. * In unorganized townships 42 V. c. 34, s. 11.* To appoint some fit and proper person, or one of themselves, to be a collector (who may also be secretary-treasurer), to collect the rates imposed by them upon the ratepayers *therein* [of their school section, or the sums which the inhabitants or others may have subscribed, or a rate-bill imposed on any person;] and to pay such collector at the rate of not less than five, or more than ten, per centum on the moneys collected by him; and every such collector shall give such security as shall be satisfactory to the trustees, [which security shall be lodged for safe keeping with the Township Council by the trustees.]

Auditor. 3. To appoint, before the first day of December in every year, a fit and proper person to be auditor of their school accounts for the current year.

(a.) If the trustees neglect to appoint such auditor, or appoint one who refuses to act, the School Inspector shall appoint one for them.

Submit accounts to auditor. 4. To lay before the school auditor or auditors their accounts and other papers, and to give such other information as is required by [the one hundred and sixteenth and one hundred and seventeenth sections of] this Act.

Exact security for school moneys. 5. To exact security from every person to whom they entrust school moneys or other school property, and to deposit said security with the Township Council, for safe keeping.

(2.) *School Property—Buildings, etc.*

Trustees to acquire and hold school property. 6. To take possession and have the custody and safe keeping of all Public School property which has been acquired or given for Public School purposes in the section; and to acquire and hold as a corporation, by any title whatsoever, any land, movable property, moneys or income given or acquired at any time for public school purposes, and to hold or apply the same according to the terms on which the same were acquired or received.

7. To dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a change of school site, or other cause, to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes, or as directed by this Act.

Trustees may sell school site or other property.

(3.) *Providing Adequate Accommodation.*

8. To provide adequate accommodation for all children of school age resident in their school section, so as to accommodate at least two-thirds of the children who have the right to attend the school of the section, according to the census taken by the trustees for the next preceding year.

Provide adequate accommodation.
Extent of accommodation.

9. To build, repair, rent, warm and furnish the section school house, or school houses, and keep in order its or their furniture, appendages, and the school lands and enclosures held by them.

Building or otherwise providing school premises.

10. To build or rent, to repair, furnish, warm, and keep in order a house or houses, and appendages, to be used as a school house or school houses, where there is no suitable school house belonging to the section, or where two or more school houses are required.

Rent house for school if none.

(4.) *Obtaining School Moneys—Assessments.*

11. To provide for the salaries of teachers and all other expenses of the school [by voluntary subscriptions, rate-bill, where authorized by this Act, or] by rate upon property *as authorized by this Act;* and to employ all lawful means to [collect or otherwise] obtain the sums required for such salaries and other expenses; and also to arrange for the payment of teachers' salaries at least quarterly in each year, and if there are not sufficient funds, they may borrow such sums as may be required in the meantime, until the taxes imposed therefor can be collected. The trustees shall by resolution authorize such borrowing, which may be upon their promissory note to be given under the seal of the School Corporation, to be discounted at a rate of interest not exceeding [eight] per cent. per annum.

Provide for salaries and other expenses of the schools.

12. To apply to the Township Council at or before its meeting in August, [or, as they may judge expedient, to employ their own lawful authority,] for the levying and collecting by rate, according to the valuation of taxable property, as expressed in the Assessor's or Collector's roll, all sums for the support of their school, or schools, [for the purchase of school sites, the erection or otherwise acquiring of school-houses and and teacher's residence,] and for any other school purposes authorized by this Act to be collected from the freeholders, householders or tenants of such section.

Apply to municipality or may levy rate themselves.

Deficiencies to be made up by additional rate on property. 13. To [assess and] cause to be *assessed and* collected *by the Township Council* an additional rate, in order to pay the balance of the teacher's salary, and other expenses of such school, should the sums provided be insufficient to defray all the expenses of the school or schools.

Make out school rate and collector's warrant. [14. To make out a list of the names of all persons rated by them for the school purposes of such section, and the amount payable by each, and to annex to such list a warrant directed to the collector of the school section, for the collection of the several sums mentioned in such list, whether school rates or rate bills.]

Defaulting residents. [15. To sue for and recover by their name of office the amounts of school rates, rate bills, or subscriptions due from persons residing outside of the limits of their school section who may make default in payment to the collector.]

Make return of rates to Township Clerk. [16. To make a return to the Clerk of the Township of the amount of any rate imposed by them for school purposes whenever so imposed.]

Rates on land of non-residents to be returned to the clerk of the municipality. [(a.) If the collector appointed by the trustees of any Public School is unable to collect that portion of any school rate which has been charged on any parcel of land liable to assessment, by reason of there being no person resident thereon, or no goods and chattels to distrain, the trustees shall make a return to the Clerk of the Municipality, before the end of the then current year, of all such parcels of land and the uncollected rates thereon.]

(b.) The Clerk of such Municipality shall make a return to the County, City, Town or Village Treasurer of all such lands, and the arrears of school rates thereon.

(c.) Such arrears shall be collected and accounted for by such Treasurer in the same manner as the arrears of other taxes.

(d.) The Township, Village, Town, or City Council in which such Public School is situate, shall make up the deficiency arising from uncollected rates on land liable to assessment, out of the general funds of the Municipality.

Certain provisions of s. 102 of R. S. O. c. 204 extended to Separate Schools. * (e.) Sec. 26 (1879). "The provisions of the foregoing subsections (a) (b) (c) and (d), shall also apply to Separate Schools and the rights conferred thereby shall be possessed by the Trustees thereof, and the like powers and duties therein mentioned shall be exercised in respect of Separate Schools and Separate School rates." 42 V. c. 34, s. 26.*

(5.) *Employment and Payment of Teachers.*

17. To contract in writing with, and employ teachers, assistants, or monitors for their school section, and to determine the amount of their salaries.

Enter into written contracts with teachers.

18. To give teachers, assistants, or monitors employed by them the necessary orders upon the County Inspector for the school fund appropriated and payable to their school section; but they shall not give an order in favour of any teacher, assistant, or monitor, except for the actual time during which said teacher, while employed, held a legal certificate of qualification.

To give orders to qualified teachers for school fund.

* 18a. *Sec. 2* (1882). "To prepare and send in annually to the Education Department, on or before the first day of June, a separate and independent report as to the fitness, aptness and success in teaching of each teacher holding a third-class certificate employed by them; and the Minister of Education shall have authority thereupon to determine whether, at the expiration of the term of such certificate, any such teacher is entitled to any and what extension of such term, and to grant the same for such period as the circumstances of each case may justify. 45 Vic. c. 30, s. 2.*

Annual report as to teachers holding third class certificates.

(6.) *Admission of Residents and Non-Residents.*

19. To permit all residents of the section between the ages of five and twenty-one years to attend the school, so long as they conform to the general regulations and the rules of the school; but such permission shall not extend to the children of persons in whose behalf a Separate School has been established, according to the provisions of "*The Separate Schools Act*."

Admit residents to school—exception as to Separate Schools.

R. Stat. c. 206

20. To admit, on the same conditions, and on payment in advance of fees [or a rate bill], not exceeding fifty cents per pupil for every calendar month, any non-resident pupils who reside nearer to such school than to the school in their own section; and in case of dispute as to the distance from the school, the Inspector shall decide.

Admit non-resident pupils.

* 20a. *Sec. 2* (1880). "Any person who may be taxed for Public School purposes on property situate in a different school section or division from that in which he resides shall not be prevented by the preceding section from sending his children to the school of the section or division in which the property is situate, on as favourable terms as if he resided in such section or division, 'Provided the school rate paid by such person upon the said property is at least equal to the average school rate paid by the residents of such section or division; and the fees to be imposed upon other non-resident pupils whose

Proviso. When non-resident pupils are admitted free. Fees.

parents or guardians do not pay an average school rate in the section or division shall not exceed the sum of fifty cents for each pupil for every calendar month." 43 Vic. c. 32, s. 2.*

(7.) *Visiting Schools.*

Visit Schools.

21. To visit, from time to time, every school under their charge, and see that it is conducted according to law and the authorized regulations, and that every school is, at all times, duly provided, at the expense of the school, with Entrance and Daily Registers and a Visitors' Book, in the forms prepared according to law.

(8.) *Dismissal of Refractory Pupils.*

Dismissal of refractory pupils.

22. Any pupil who shall be adjudged so refractory by the trustees (or by a majority of them) and the teacher, that his presence in school is deemed injurious to the other pupils, may be dismissed from such school, and, where practicable, removed to an Industrial School.

(9.) *Text and Library Books—Establish Library.*

Text-books.

23. To see that no unauthorized books are used in the school, and that the pupils are duly supplied with a uniform series of authorized text-books, sanctioned and recommended by the Education Department; and to procure annually, for the benefit of their school section, some periodical devoted to education.

Establish school section library.

24. To appoint a librarian; and to take such steps as are authorized by law, and as they may judge expedient, for the establishment, safe keeping and proper management of a school library in their section.

(10.) *Annual and other School Meetings and Report thereto.*

Place of annual school meeting to be appointed by the trustees.
Filling vacancies.

25. To appoint the place of each annual school meeting of the assessed freeholders and householders of the section; and the time and place of a special meeting of the same for (1) the filling up of any vacancy or vacancies in the trustee corporation occasioned by death, removal, or other cause; or (2) for the selection of a new school site; (3) the appointment of a school auditor; or (4) any other lawful school purpose, as they may think proper; and to cause notices of the time and place, and of the objects of such meetings, to be posted in three or more public places of the section, at least six days before the time of holding such meeting.

Notice.

(a) Every such meeting shall be organized, and its proceedings recorded in the same manner as provided for in the [forty-fifth and three following] sections of this Act.

26. To cause to be prepared and read at the annual meeting of the ratepayers, the school report of the trustees for the year then ending, which report shall include, among other things, a summary of their proceedings, and of the state of the school during the year, together with a full and detailed account of the receipt and expenditure of all school moneys received and expended in behalf of the section, for any purpose whatever, during such year ; which report shall be signed by the trustees and by either or both of the school auditors of the section.

Prepare and read report at annual meeting.

(11.) *Half-Yearly Returns and Annual Report to Inspector.*

27. To transmit to the County Inspector, on or before the thirtieth day of June and the thirty-first day of December in each year, a correct return of the average attendance of the resident and non-resident pupils in the school or schools under their charge during the six months then immediately preceding.

Make half-yearly report to County Inspector.

* 27a. Sec. 4 (1882). "To give notice in writing, before the fifteenth day of January in each year, to the Clerk of the Township in which their school is situate of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them." 45 Vic. c. 30, s. 4.*

Names and addresses of trustees of rural school corporations and of the teachers to be given to township.

28. To ascertain the number of children between the ages of five and sixteen years residing in their section on the thirty-first day of December in each year, and to prepare and transmit annually, on or before the fifteenth day of January, a report to the County Inspector, signed by a majority of the trustees, and made according to a form provided by the Minister of Education, and to specify therein among other things :—

Yearly report to Inspector.

(a.) The whole time the school in their section was kept open by a qualified teacher, during the year ending on the thirty-first day of the previous December.

Contents.

(b.) The amount of moneys received for the School Fund, from local rates [or contributions], and from other sources, distinguishing the same, and the manner in which all such moneys were expended.

(c.) The number of children and young persons taught in the school in winter and summer, distinguishing the sexes, and those who were over and under sixteen years of age ; and the average attendance of pupils in both winter and summer ; but the trustees of the Public School sections, within the limits of which one or more Separate School sections are established, as hereinafter provided, shall not, in their return of children of school age residing in their school sections, include the children attending such Separate School or Schools.

(d.) The branches of education taught in the school; the number of pupils in each branch; the text-books used; the number of Public School examinations; visits and lectures, and by whom made or delivered, and such other information respecting the school premises and library as may be required.

(B) POWERS.

Text-books,
etc.

103. It shall be competent for rural school trustees, and they shall have authority—

1. To do whatever they may deem expedient in regard to procuring apparatus, maps, prize, library and text-books for their school.

Two or more
schools in a
section
authorized.

2. To select the site for, and establish and maintain an additional school or additional schools in the section, with the concurrence of the Inspector, where, from the large size of the section, its physical conformation, or from any other cause, the children of the section are unable to attend the school established therein.

Buildings for
such schools.

3. To procure or erect the necessary buildings for such additional school or schools.

Condition.

(a.) Every such school shall be subject to the same regulations and obligations as Public Schools generally.

Non-resident
pupils may be
admitted on
payment of
fee.

4. [To admit, at their discretion, non-resident pupils to their school, on payment in advance, of fees [or rate-bill] not exceeding fifty cents a month per pupil.]

[(a.) This discretion on the part of the trustees shall not apply to the non-residents mentioned in clause twenty of the one hundred and second section of this Act.]

Trustees may
exempt indig-
ent persons.

5. To exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons, and to charge the amount of such exemption upon the other rateable inhabitants of the school section, but the same shall not be deducted from the salary of a teacher.

Purchase of
library and
prize books.

[6. To purchase, at their discretion, from any bookseller or other parties, instead of at the depository of the Education Department, any library or prize books sanctioned by the Department for the Public and High Schools and Collegiate Institutes, as provided by this Act.]

III. PUBLIC SCHOOL BOARDS IN CITIES, TOWNS AND INCORPORATED VILLAGES.

(A) DUTIES.

104. It shall be the duty of the Public School Board of every City, Town, and incorporated Village respectively, and they are hereby authorized— Duties of the Public School Board.

(1.) *Official Management.*

1. To elect annually, or oftener, from among their own members, a chairman, who shall have a right to vote at all times. Election of chairman and his vote.

* *1a. Section 2* (1878). "At the first meeting in each year of every Public School Board in Cities, Towns, Villages and Townships, and of every Board of Education, at which the election of chairman is appointed to take place, the Secretary of such Board shall preside, or if there be no Secretary, the members present shall select one of themselves to preside at the election of chairman, and the member so selected to preside may vote as a member.*" President at first meeting of School Boards, etc., for election of chairman.

* *1b. Section 3* (1878). "In case of an equality of votes at the election of Chairman of any such Board, the member who is assessed as a ratepayer for the largest sum on the last revised Assessment Roll shall have a second or casting vote in addition to his vote as a member." 41 V. c. 15, ss. 2, 3.* Equality of votes on the election of Chairman.

* *1c. Section 34* (1879). "In any case of a Public or High School Board where there shall be a tie amongst the members present at any meeting thereof, the Chairman shall, in addition to his own vote, possess a second or casting vote." 42 Vic. c. 34, s. 34.* Casting vote.

2. To appoint the times and places of their meetings and the mode of calling them, and of conducting and recording their proceedings, and of keeping all their school accounts. Time and place of meeting of Board.

(a.) The first meeting of every Board may be called by any member thereof, and it shall take place in the City, Town or Village Council room.

3. To appoint a secretary or secretary-treasurer, and one or more collectors, if requisite, of such school fees or rate bills as the Board may have authority to charge. Appointment of collector and secretary-treasurer.

(a.) The collector or collectors and secretary-treasurer may be of their own number.

(b.) The secretary-treasurer and the collector or collectors shall be subject to the same duties, obligations and penalties as the like officers in rural school sections.

(2.) *School Property.*

Board to take possession of all public school property.

4. To take possession of all Public School property.

5. To accept and hold as a corporation all such property acquired or given at any time, for Public School purposes, in the City, Town, or Village, by any title whatsoever.

To manage or dispose of it.

6. To manage or dispose of such property, and all money or income for Public School purposes.

To apply proceeds.

7. To apply the same, or proceeds thereof, to the objects for which they have been given or acquired.

To provide school premises, apparatus, text books and library.

8. To do whatever they may judge expedient with regard—

(a.) To purchasing or renting school sites and premises.

(b.) To building, repairing, furnishing, warming and keeping in order the school houses and appendages, lands, enclosures, and movable property.

(c.) To procuring suitable maps, apparatus, text and prize books, and for establishing and maintaining school libraries.

Subject to the following provisions :—

Municipal Council may refuse to raise money for purchase of school site, etc.

* *Sec. 29 (1879).* “Where a Public School Corporation may require the Municipal Council to raise or borrow a sum of money for the purchase of a school site, or the erection or purchase of any school-house or addition thereto, or other school accommodation, or for the purchase or erection of a teacher's residence, such Municipal Council may refuse to raise or borrow any such sum when it is so resolved by a two-thirds vote of the members present at the meeting of the Council for considering any by-law in that behalf.”*

* *Sub-sec. 2 of Sec. 29 (1879).* “Where the Municipal Council, by a two-thirds vote, refuse to raise or borrow the sum proposed, then such question shall be submitted by the Municipal Council, if requested by the School Board, to the vote of the electors of the Municipality in the manner provided by the Municipal Act for the creating of debts, and in the event of the assent of the municipal electors being thereby obtained, then it shall be the duty of such Council to raise or borrow such sum.”*

* *Sec. 6* (1880). 3. The foregoing provisions shall be construed not to apply to school furniture and appliances, ordinary repairs, fencing, sheds, offices, or the like objects. *43 V. c. 32, s. 6.** Application of 42 V. c. 34, s. 29. Certain minor expenses do not require previous sanction of rate-payers.

(3.) *Kind of Schools, and their Teachers.*

9. To determine—

(a.) The number, sites, kind, grade and description of schools (such as male, female, infant, central, or ward schools) to be established and maintained in the City, Town, Village or division. Kind of schools.

(b) The teachers, assistants and monitors to be employed; the terms on which they are to be employed; the amount of their remuneration, and the duties which they are to perform. Teachers.

(c) The salary of the Inspector of Schools (to be appointed in Cities and Towns only), as provided by this Act. Inspectors.

(4.) *Financial Estimate for Municipal Council.*

10. To prepare from time to time, and lay before the Municipal Council of the City, Town or Village, an estimate of the sums which they think requisite— To lay before Municipal Councils estimate for moneys.

(a.) For paying the whole or part of the salaries of the Inspector (in Cities and Towns only), and of Public and Industrial School teachers in Cities, Towns and Villages; For salaries of teachers.

(b.) For purchasing or renting Public and Industrial School premises; Procuring school premises.

(c.) For building, renting, repairing, warming, furnishing, and keeping in order the Public and Industrial school houses and their appendages and grounds; For building, repairing, and keeping in order school houses.

(d.) For procuring suitable apparatus, and text, prize and library books for such schools; For procuring apparatus, text books and libraries, etc.

(e.) For the establishment and maintenance of school libraries; and

(f.) For all other necessary expenses of the schools under their charge;

And the Council of the City, Town or Village shall provide such sums in the manner desired by the said Public School Board, subject to the foregoing provisions contained in subsection 8 of this section. Council required to provide necessary funds.

(5.) [*Collection and*] *Management of School Moneys.*

Appointment and duty of school collector. [11. To appoint a fit and proper person to collect the rate bills or school fees chargeable by them upon the inhabitants of their municipality or division, or upon those who are non-resident, or the sums which the said inhabitants have subscribed.]

Payment. [12. To pay such collector, at the rate of not less than five nor more than ten per centum on the moneys collected by him.]

Collector to give security. [(a.) Every such collector shall give security satisfactory to the trustees.]

Collectors' powers. [(b.) Such collectors shall have the same powers by virtue of a warrant, signed by a majority of the trustees, in collecting the school rate or subscription, and shall proceed in the same manner as ordinary collectors of County and Township rates and assessments.]

Moneys to be subject to the order of the Board. [(c.) All moneys thus collected shall be paid into the hands of the Treasurer of the City, Town, Village or school division, or of the Treasurer or Secretary-Treasurer of the Board, for the Public School purposes of the same, subject to the order of the Board.]

Treasurer. 13. To appoint, at their discretion, some fit and proper person to be Treasurer or Secretary-Treasurer to the corporation, who shall give such security as may be required by a majority of the trustees—

(a.) For the correct and safe keeping and forthcoming (when called for) of the papers and moneys belonging to the corporation;

Trustees may collect fees from parents. (b.) And for the receiving and accounting for all school moneys [collected by rate bill, subscription or otherwise, from the inhabitants of the Municipality or from non-residents;]

(c.) And for the disbursing of such moneys in the manner directed by the majority of the trustees.

Trustees to give orders for sums due to creditors. 14. To give orders to other school officers and creditors for the sums due to them, on the Treasurer of the City, Town or Village, or on their own Treasurer or Secretary-Treasurer.

(6.) *Teachers' Salaries.*

Trustees' and Inspector's orders to teachers. 15. To give, with the School Inspector, orders to duly qualified teachers, assistants, or monitors, on the Treasurer of the Municipality, for the salaries due to them.

16. To provide for the payment of the salary of the masters Teachers entitled to holidays and vacations. and teachers for the authorized holidays occurring during the period of their engagement with the trustees, and also for the vacations which follow immediately on the expiration of the school term during which they have served, or of the term of their agreement with such trustees; and also for salary during sickness as certified by a medical man for a period at the rate of not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees.

* 16a. *Sec. 2* (1882.) "It shall be the duty of the County Annual report as to teachers holding third class certificates. Inspector in every case, and of the Public School Board or trustees by whom any Public School teacher, holding a third class certificate, has been employed, to prepare and send in annually to the Education Department, on or before the first day of June, a separate and independent report as to the fitness, aptness and success in teaching of each such teacher; and the Minister of Education shall have authority thereupon to determine whether, at the expiration of the term of such certificate, any such teacher is entitled to any and what extension of such term, and to grant the same for such period as the circumstances of each case may justify." 45 Vic. c. 30, s. 2.*

(7.) *Pupils.*

17. To admit to their school, on the payment in advance of Admit non-resident pupils a school fee not exceeding fifty cents per pupil per calendar month, any non-resident pupils who reside nearer to such school than to the school of their own section or division.

(a.) In case of dispute as to the distance from the school, the Inspector shall decide.

17a. *Sec. 2* (1880). Any person who may be taxed for When non-resident pupils are admitted free. Fees. public school purposes on property situate in a different school section or division from that in which he resides, shall not be prevented by the preceding section from sending his children to the school of the section or division in which the property is situate, on as favourable terms as if he resided in such section or division, "Provided the school rate paid by such person upon the said property is at least equal to the average school rate paid by the residents of such section or division; and the fees to be imposed upon other non-resident pupils whose parents or guardians do not pay an average school rate in the section or division shall not exceed the sum of fifty cents for each pupil for every calendar month." 43 Vic. c. 32, s. 2.

(8.) *Providing Accommodation.*

18. To provide adequate accommodation for all children of Adequate accommodation. school age in the Municipality.

(9.) *Text and Library Books.*

To see that authorized books are used. 19. To see that all the pupils in the schools are duly supplied with a uniform series of authorized text-books.

Appoint librarian. 20. To appoint a librarian to take charge of the school library or libraries.

(10.) *Inspectors.*

City and town Inspector. 21. To appoint from time to time, from among those holding the necessary certificates of qualification, one person to be Inspector of Public Schools in the City or Town.

Powers. (a.) The Inspector appointed shall possess all the powers, and be subject to all the obligations enumerated in the [one hundred and ninety-fourth] section of this Act.

Vacancies. (b.) Any vacancy caused by dismissal, death or resignation, shall be filled by the Board by the appointment of some legally qualified person.

Pay Inspector as examiner. 22. To provide for the payment of the Inspector of such City or Town of a sum at the rate of five dollars per day while he is engaged in the examination of pupils for admission to the High School or Collegiate Institute.

(11.) *Expenses of Examination for Admission to High Schools.*

Pay contingent expenses. 23. [To provide for the payment of the contingent expenses of the examination for the admission of pupils to the High School or Collegiate Institute.]

Board of Examiners for admission to High Schools. * 23a. *Sec. 31* (1879.) "In Cities and Towns * separated from the County (sec. 7, Act of 1882),* the Inspector of Public Schools, and the head master of the High School or Collegiate Institute, shall together constitute the Board of Examiners for the admission of pupils to the High School or Collegiate Institute, and the expenses of the examination shall hereafter be borne equally by the High and Public School Boards, after deducting any fees imposed by the Education Department therefor. 42 Vic. c. 34, s. 31.*

Board of Examiners for admission to High Schools. * 23b. *Sec. 7* (1882.) In all other cases of High Schools or Collegiate Institutes situated in towns, villages or townships, the Board of Examiners for the admission of pupils to the High Schools and Collegiate Institutes therein respectively shall be constituted by the County Inspector of the district in which the High School is situate, the Public School Inspector of the town (if any), the High School Head Master and the Chairmen of the High and Public School Trustees respectively; and the expenses of such examination, after deducting

any fees authorized by regulations of the Education Department, are to be paid by the County Council, according to the provisions in that behalf contained in the High Schools Act.*

“(2.) The Chairman of the Separate School Trustees shall also be a member of the Board of Examiners in any City, Town, Village or Township in which the High School and Separate School are each situate.” 45 Vic. c. 30, s. 7.

(12.) *Miscellaneous.*

24. To see that all the schools under their charge are conducted according to the authorized regulations. To see that regulations are observed.

25. To provide, at the expense of the school, general admission and daily class registers, in the prescribed form. Provide registers.

26. To call and give notice of annual and special school meetings of the [assessed freeholders, householders, and tenants] *electors* of the City, Town or Village, or of any ward therein, for filling up vacancies in the school trustee corporation, or for any other purpose, [in the manner and under the regulations] prescribed by this Act. Trustees to give notice of annual and special meetings.

27. To prepare, and publish, at the end of every year, in one or more of the public newspapers, or otherwise, for the information of the inhabitants of the City, Town or Village, an annual report of their proceedings, of the progress and state of the schools under their charge, and of the receipts and expenditure of all school moneys. Annual report for city, etc.

28. To prepare and transmit annually, before the fifteenth of January, to the Minister of Education, in the form provided by him, a report signed by a majority of the trustees, containing all the items of information which may be required therein. To prepare annual report for Minister.

(B) POWERS.

105. Every Public School Board in a City, Town, incorporated Village or school division, shall have authority—

1. To appoint annually, or oftener if they judge it expedient, and under such regulations as they think proper, a committee of not more than three persons for the special charge, oversight and management of each school within the City, Town or Village. To appoint a committee for each school.

2. To collect, at their discretion, from the parents or guardians of children attending any Public School under their charge, a sum not exceeding twenty cents per calendar month, per pupil, to defray the cost of text-books, stationery and other contingencies. Trustees may collect a fee from parents.

Non-resident pupils to be admitted on payment of fee.

3. To admit non-resident pupils to their school, on payment of reasonable fees [or rate-bill] not exceeding fifty cents per calendar month, per pupil, payable in advance, subject to the foregoing provisions contained in sub-sec. 17 of s. 104 of this Act.

(a.) The Board is required to admit all non-resident pupils to their school who reside nearer to such school than to the school in their own section.

(b.) In case of dispute as to the distance, the Inspector shall decide, and the trustees shall then admit said non-resident pupils.

Pensions.

4. To supplement out of local funds, at their pleasure, the pension granted by the Education Department to a Public School teacher.

Invest surplus moneys.

5. To invest, as they may see fit, any surplus moneys for educational purposes, as provided in the [ninety-third] section of this Act.

May exercise same powers as rural trustees.

6. To exercise, as far as they judge expedient, in regard to their City, Town or Village, all the powers vested in the trustees of each rural school section in regard to such section.

Model Schools for teachers.

* 6a. *Section 1*, (1879.) "To constitute one or more of the Public Schools of such City to be a Model School for the preliminary training of Public School Teachers therein, subject to the Regulations of the Education Department." 42 V. c. 34, s. 1.*

PART VII.

DUTIES AND POWERS OF MUNICIPAL AND SCHOOL OFFICERS.

I. DUTIES OF MUNICIPAL OFFICERS.

(1.) *Township Assessors.*

Assessors to value lands situated in each section.

106. Wherever the land or property of any individual or company is situated within the limits of two or more school sections, each Assessor appointed by any Municipality shall assess and return on his roll, separately, the parts of such land or property, according to the divisions of the school sections within the limits of which such land or property is situate.

2. Every undivided occupied lot, or part of a lot, shall only Undivided lot.
be liable to be assessed for school purposes in the school section
where the occupant resides.

107. Any Township officer having possession of the Assessor's or Collector's roll is hereby required to allow any one of the trustees, or their authorized collector, to make a copy of such roll, as far as it relates to their school section. Township roll to be furnished to the trustees.

(2.) *Township Clerks.*

108. It shall be the duty of every Township Clerk—

1. To prepare in duplicate, a school map of the Township, Township Clerk to prepare maps of school sections.
showing the divisions of the Township into school sections and parts of union school sections ;

2. To furnish one copy of such map to the County Clerk, Information to County Clerk.
for the use of the County Council, and retain the other in the Township Clerk's office, for the use of the Township corporation ;

3. To furnish the County Inspector with [the information To School Inspectors.
required by the fourth clause of the seventy-eighth section of this Act ;] *a copy of all the proceedings of the Township Council relating to the formation or alteration of school sections, all school assessments and educational matters. R. S., c. 204, s. 78, sub-sec. 4.*

4. To make a return to the County Treasurer of any parcel To County Treasurer.
of land liable to assessment, and of the uncollected school rates thereon, [as returned to him by the rural school trustees of any section, as provided by this Act ;]

5. To make, within one week after the first day of March, To County Clerk.
under a penalty of twenty dollars in case of default, returns to the Clerk of his County of the total expenditure of the township on account of schools and education, [including the information given to him by rural school trustees, as required by the sixteenth clause of the one hundred and second section of this Act ;]

[6. To allow any one of the rural school trustees, or their To Rural School trustees.
authorized collector, to make a copy (so far as it relates to their section) of the Township Assessor's or Collector's roll, if he has possession of such roll ;]

7. To give notice to the person appointed by the Council to Notice of school meeting.
call the first school meeting in a new or united section, [as provided in the third clause of the seventy-eighth section of this Act ;]

Notice of
alteration of
boundaries.

8. To send forthwith (after a by-law has been passed by the Township Council, altering the boundaries of a school section), a written notice of the alteration to the trustees of every school section affected by the alteration, and to the Public School Inspector.

Clerk to in-
form trustees
of the number
in the section.
Rates to be
collected at
expense of
township, and
paid over by
20th Dec.

*8a. *Sec. 4* (1880). To furnish on or before the first of July in each year the secretary-treasurer of each school section in the township with a statement of the total number of children within that section, and shall also furnish the Public School Inspector with a statement of the total number in the township, as shown on the assessment roll; and shall also, upon request, and free of any charge, furnish the Public School Inspector with a true copy of the assessed value of each school section as shewn in the revised assessment roll for that year, and also of the several requisitions of the trustees for school moneys. The township clerk shall be entitled to reasonable payment from the township council for the above mentioned services. 43 V. c. 32, s. 4.*

Clerk to give
copy of assess-
ment to
school inspec-
tor.

8b. *Sec. 9, sub-sec. 3* (1881). "The clerk of any municipality in which any separate school section or part of a section is situate, shall, not later than the first day of December in each year, make out and transmit to the county school inspector a statement shewing whether or not any county rate for public school purposes has been placed upon the collector's roll against supporters of separate schools, and if such has been rated against supporters of separate schools, giving a list of such and the amount so rated against each and the total amount so rated." 43 V. c. 32, s. 9.

(3.) *Collectors.*

County rate to
be collected by
14th Decem-
ber.

109. The sum annually required to be levied in each County, for the salaries of legally qualified teachers, shall be collected and paid into the hands of the County Treasurer on or before the fourteenth day of December in each year.

(4.) *County Treasurer.*

County Treas-
urer's duties.

110. It shall be the duty of every County Treasurer—

Pay school
assessment to
township, etc.,
Treasurer.

1. To pay out of the school assessment of the County into the hands of the Treasurers of the respective Towns, Villages and Townships within the County, the proportionate assessment levied in their respective Municipalities; and for all school purposes the last named Treasurers shall be considered sub-Treasurers of the County Treasurer.

R. S. O.,
s. 110, c. 204,
amended.

* *Section 14* (1879). "Or, when directed by the County Inspector, to pay out of the school assessment of the county

the amount of the Inspector's lawful order to any Public School teacher, assistant teacher or monitor.' ”*

Sec. 26, sub-sec. 2 (1879). “So much of the county rate levied yearly upon the several townships of the county for the payment of teachers' salaries which shall have been levied upon and collected from any persons being supporters of separate schools in any township shall be paid over by the county treasurer to the trustees of the separate schools of which such persons are supporters.” 42 V. c. 34, s. 26. As to county rate if collected.

Sec. 9 (1881). “And the county inspector shall in such case, before distributing the county rate among the public school sections, deduct the amount so certified to him by the clerk, and shall give to the trustees of the separate school section an order upon the county treasurer or sub-treasurer for the amount thereof.” 43 V. c. 32, s. 9.

(a.) Notwithstanding the non-payment to the County Treasurer by the fourteenth day of December of the school assessment levied in the County, no teacher shall be refused the payment by the County Treasurer or sub-Treasurer of the sum to which on the Inspector's order he may be entitled from such year's County school assessment. Teachers' salaries to be paid, though assessment not paid to County Treasurer.

2. To pay over to the order of the Public School Board of any school division (consisting of a Town or incorporated Village and part or parts of an adjoining Township or Townships) any portion of a County assessment for school purposes which may be raised within such school division. Pay to school division county assessment.

3. To pay over to the order of the Public School Board of any Town not separated from the County, a sum of money equal to any amount collected within such Town for the payment of salary of the County Inspector. Pay Inspector's salary raised in towns not separated.

4. To pay at the end of every half-year, to the order of the County Inspector, the amount of money which is in his hands, being money which such Inspector has deducted from the salaries of male teachers for the superannuated teachers' fund for such half-year, or which is due and payable by any male teacher to the fund. Pay superannuation money.

* “6. To furnish the Minister with such information as he may require respecting moneys raised or expended in the municipality for Public or High School purposes.” 42 V. c. 34 s. 14.*

5. It shall be the duty of the Treasurer of every minor Municipality to pay, out of the moneys received by him for school purposes, the lawful orders of the Inspectors from time to time, in favour of any Public School teacher, assistant or monitor, as directed by such order. Treasurers to pay orders of Inspectors.

(5.) *Sub-Treasurers.*

Sub-Treasurer's duties, etc.

111. Every sub-Treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for school moneys, and the payment of lawful orders for such moneys given by any County Inspector (within the parts of the county for which he is appointed sub-Treasurer), as are imposed by this Act upon every County Treasurer, in respect to the paying and accounting for school moneys.

(6.) *County Clerk.*

112. It shall be the duty of every County Clerk—

Clerk to report appointments and proceedings to Minister.

1. To notify the Minister of Education of the appointment and address of every County Inspector and of the County Treasurer ;

2. To furnish the Minister with a copy of all proceedings of the Council relating to school assessments and other educational matters ;

Clerk to transmit audited accounts to Minister.

3. To transmit to the Minister, on or before the first day of March in each year, a certified copy, in the form provided, of the abstract of the report of the auditors ;

4. To give any explanation, as far as he is able, relating to the auditors' report which may be required by the Minister.

Sub-sec. added to sec. 112 of R. S. O., cap. 204.

**4a. Section 21* (1879). " 5. It shall also be the duty of every County Clerk to furnish the Minister before the first day of April in each year, with a statement showing the population of each minor Municipality within the County, according to the returns upon the assessment rolls for the previous year of such minor Municipality." 42 V. c. 34, s. 21.*

Clerks to make returns of population.

* *22a. Section 22* (1879). "The Clerk of every City and Town separated from a County shall, before the first day of April in each year, make a return to the Minister of Education showing the population of such City or Town, as shown by the assessment rolls for the previous year of such City or Town." 42 Vic. c. 34, s. 22.*

II. DUTIES OF SCHOOL OFFICERS.

(1.) *Rural School Collector.*

Powers of Rural School collector.

113. Each Rural School collector, *in unorganized townships only,* by virtue of a warrant signed by a majority of the trustees, shall have the same powers in collecting the school rate, rate bill, or subscriptions, shall be under the same liabilities and obligations, and shall proceed in the same manner in

his school section and Township, as a Township Collector does in his Municipality, in collecting rates in a Township or County, as provided in the Municipal Institutions and Assessment Acts from time to time in force.

(2.) *Rural School Section Auditors.*

114. In order that there may be accuracy and satisfaction in regard to the school accounts of school sections, there shall be two auditors of school accounts for every section.

Annual appointment of auditors of school section accounts.

115. The auditors appointed, or either of them, shall, on or after the first day of December in each year, forthwith appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section.

Time of audit.

116. It shall be the duty of the trustees, or their secretary-treasurer, to lay all their accounts before the school auditors of the section, or either of them, together with the agreements, vouchers, contracts, books, etc., in their possession.

Trustees to submit their school accounts to the auditors.

117. Such trustees or their secretary-treasurer shall afford to the auditors, or either of them, all the information in their power as to their receipts and expenditures of school moneys in behalf of their school section.

Trustees to give information to auditors.

118. It shall be the duty of the auditors of every school section:—

Powers and duties of school section auditors.

1. To examine into and decide upon the accuracy of the accounts of such section, and whether the trustees have truly accounted for and expended for school purposes the moneys received by them.

2. To submit the said accounts, with a full report thereon at the next annual school meeting.

3. If both of the auditors object to the lawfulness of any expenditures made by the trustees, they shall submit the matters in difference to such meeting, which may either determine the same, or submit the matter to the Minister of Education, whose decision shall be final.

4. The auditors shall remain in office until their audit is completed.

5. In case of difference of opinion between the auditors on any matter in the account, it shall be referred to and decided by the County Inspector.

Difference of opinion.

119. It shall be competent for the auditors or either of them—

Power of auditors to examine

parties and
witnesses.

1. To require the attendance of all or any of the parties interested in the accounts, and of their witnesses, with all such books, papers, and writings as such auditor or auditors may direct them or either of them to produce;

Oaths.

2. To administer oaths to such parties and witnesses ;

Warrant of
auditor
equivalent to
execution of
Division
Court.

3. To issue their or his warrant to any person named therein, to enforce the collection of any moneys by them awarded to be paid ; and the person named in such warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant, with all reasonable costs, by seizure and sale of the property of the party or corporation against whom the same has been issued, as any bailiff of a Division Court has in enforcing a judgment and execution issued out of such Court ;

Auditors to
present report
to annual
school meet-
ing.

4. To report the result of their or his examination of the accounts of the year to the annual school meeting next after their or his appointment, when the annual report of the trustees, signed by the trustees and auditors, shall be presented to such meeting.

PART VIII.

SPECIAL PROVISIONS.

I. RESPECTING SCHOOL SITES.

(1.) Selecting School Sites in Rural Sections.

New school
site to be
authorized by
special
meeting.

120. No steps shall be taken by the trustees of any school section for procuring a school site on which to erect a new school house, without calling a special meeting of the assessed freeholders and householders of their section to consider the matter, and no change in the site of a school house shall be made without the consent of the majority of such special meeting.

Additional
schools.

*** 120a. Sec. 22 (1873).** " But this shall not apply to the case of an additional school which is provided for under section [one hundred and three] of this Act." 41 V. c. 8, s. 22.*

Differences be-
tween trustees
and people to
be referred to
arbitration.

121. In case any change is determined upon and a difference arises as to the selection of a new site for the school house, between a majority of the trustees and a majority of the assessed freeholders and householders at such special meeting, each party shall choose an arbitrator, and the County Inspec-

tor, or, in case of his inability to attend, any person appointed by him to act on his behalf, shall be a third arbitrator; and Award. such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter or matters submitted to them.

122. With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within three months from the date of their award, to reconsider such award and make and publish a second award, which award (or the previous one, if not reconsidered by the arbitrators) shall be binding upon all parties concerned for at least one year from the date thereof. Reconsideration of award.

(2.) *Acquisition of Land for School Site in Rural Sections.*

123. On the selection of land as authorized by this Act for a rural school site, on which to erect a school house and necessary buildings, or for enlarging existing school premises, if the owner of such land refuses to sell the same, or demands therefor a price deemed unreasonable by the trustees of any section, the proprietor of such land, and the trustees, shall each forthwith select an arbitrator. Land for school site selected, how procured.

2. The arbitrators thus chosen, together with the County Inspector, or any two of them, shall appraise the damages to the owner of such land.

* **123. 2a. Sec. 15 (1879).** "The arbitrators shall also have the power to settle all claims or rights of incumbrancers, lessees, tenants, or other persons, as well as those of the owner, in respect of the land required for the purpose of the school site, upon notice in writing to every such claimant, and after hearing and determining his claims or rights." 42 Vic. c. 34, s. 15.* Additional powers conferred upon arbitrators appointed under R. S. O., c. 204.

3. Upon the tender of payment of the amount of such damage to the owner * or other person entitled thereto, or to any part of such amount, (42 Vic. c. 34, s. 15)* by the school trustees, the land shall be taken and used for the purpose aforesaid.

4. Nothing herein contained shall authorize the selection in a township of a site within a hundred yards of a garden, orchard, pleasure ground, or dwelling house of the owner of such site, without the consent of such owner.

5. Nothing in this section shall be held to restrict trustees in the enlargement of a school site, existing at the passing of this Act, to the required dimensions.

6. No such enlargement shall be made in the direction of the orchard, garden or dwelling house, without the consent of the owner of the land required, unless the school site cannot

be otherwise enlarged; nor shall it, without the consent of such owner, include any part of his garden, or the grounds attached to his dwelling house.

7. Any award for a school site made and published under this section, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned in it, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on the affidavit of one of the trustees verifying the same.

(3.) *Arbitrations in Rural Sections.*

Appointment
of school site.
Arbitrators—
their powers.

124. If the majority of the school trustees, or the majority of a Public School meeting, neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint an arbitrator, as provided in the one hundred and twenty-first section of this Act, or if the owner of land selected as a school site, as provided by the [one hundred and twenty-third] section of this Act, neglects or refuses to appoint an arbitrator, it shall be competent for the County Inspector, with the arbitrator appointed, to meet and determine the matter; and the County Inspector, in case of such refusal or neglect, shall have a second or casting vote, if he and the arbitrator appointed do not agree.

Proceedings
where an
arbitrator is
absent.

125. If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting, in consequence of the neglect or the refusal of the other arbitrator to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and give the absent arbitrator notice of the adjournment.

(4.) *In Cities, Towns and Villages.*

School sites.

126. Every Public School Board in a City, Town, incorporated Village or school division, shall have authority to select land for a school site on which to erect a school house or school houses and necessary buildings, or for enlarging school premises already held.

School site
selected, how
acquired.

2. If the owner of such land refuses to sell the same, or demands therefor a price deemed unreasonable by the Board, the proprietor of such land and the Board shall each forthwith select an arbitrator.

Arbitrator.

3. The arbitrators thus chosen and the County Inspector, or any two of them, or the trustees' arbitrator and the Inspector (in case the owner neglects or refuses to appoint an arbitrator), shall appraise the damages to the owner of such land.

3a. 42 Vic. c. 34, s. 15. *In addition to the powers conferred upon arbitrators under the Public Schools Act in reference to the compulsory taking of land for school sites, they shall have the power to settle all claims or rights of incumbrancers, lessees, tenants, or other persons, as well as those of the owner in respect of the land required for the purpose of the school site, upon notice in writing to every such claimant and after hearing and determining his claims or rights.* Additional powers conferred upon arbitrators appointed under R. S. O., c. 204.

4. Upon the tender of payment by the Board of the amount of such damages to the owner *or other persons entitled thereto, or to any part of such amount (42 Vic. c. 34, s. 15),* the land shall be taken and used for the purpose aforesaid. Tender of damages.

5. Vacant land only shall be taken in such City, Town or Village for a school site without the consent of the owner or owners. Exception.

[6. Lands in the hands of parties unknown or under disability shall be taken, as provided in the one hundred and twenty-eighth and five following sections of this Act.] Parties unknown.

7. In case no deed of the site can be obtained, the award of the arbitrators shall, on the affidavit of one trustee, be registered in the Registry Office, *and shall be deemed to be the title of the School Corporation to the land mentioned therein against all persons interested in such property in any manner whatever (ante, s. 123, sub-sec. 7).*

Registration of award

(5.) Allowance to Arbitrators.

127. Arbitrators appointed under the authority of this Act shall be entitled to the same remuneration per diem for the time thus employed as are members of the Municipal Council of their County for their time and attendance at Council meetings. Special allowance to school arbitrators.

2. The parties concerned in all such disputes shall pay all the expenses incurred in them, according to the award or decision of the arbitrators and School Inspectors respectively.

(6.) Titles to School Sites and other Property.

128. All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femmes-coverts, or other persons, seised, possessed of or interested in any land, may contract for, sell and convey all or part thereof to school trustees for a school site or an addition to the school site, or for a teacher's residence; and any contract, agreement, sale, conveyance and assurance so made shall be Who may convey school sites.

valid and effectual to all intents and purposes whatsoever; and the corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act.

Remedy in
case of ab-
sence of owner.

129. If the owner of land duly selected for the said purpose is absent from the County in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter; that he knows the land, and that some certain sum therein named is, in his opinion, a fair compensation for the same; and on filing the said certificate with the Judge of the County Court of the county in which the land lies, accompanied by an affidavit or affidavits which satisfy the Judge that the owner is absent from the county, and that, after diligent enquiry, he cannot be found, the Judge may order a notice to be inserted for such time as he sees fit in some newspaper published in the county; and he may, in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in such other way as he sees fit.

What notice
shall contain.

Arbitrators.

130. The said notice shall contain a short description of the land, and a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of that sum is not accepted; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner; and shall contain any other particulars which the County Judge may direct.

Judge may
appoint one.

131. If, within such time as the Judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property.

Responsibility
of trustees as
to compensa-
tion.

132. Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land; and after the trustees have taken possession of land, any claim to, or incumbrance upon the same or any portion thereof, shall, as against the trustees, be converted into claim to the compensation, or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party.

In case of
incumbrance.

133. If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable refuses to execute the proper conveyance, or if the party entitled to claim the same cannot

be found or is unknown to the trustees, or if for any other reason the trustees deem it advisable, they may pay the arbitration and other expenses, and deposit the amount of the compensation with the County Treasurer, or in such other manner as the Inspector may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the agreement or award if there be no conveyance; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper Registry Office on an affidavit of one of the trustees verifying the same.

Deposit of
compensation
money.

Award to be
registered.

II. FORMATION AND DISSOLUTION OF UNION SCHOOL SECTIONS COMPOSED OF PARTS OF TWO OR MORE MUNICIPALITIES.

Unions formed before 2nd March, 1877.

134. All school sections existing on the second day of March, one thousand eight hundred and seventy-seven, and all unions of school sections comprised of parts of the same or different Municipalities which on that date existed in fact, and whether formed in accordance with the provisions of the law in that behalf or not, are to be deemed as having been legally formed, and such unions shall continue to exist, subject, however, to the provisions of this Act so far as applicable, as if they had been formed thereunder; and in cases where any union has heretofore been adjudged by any Court or Judge to have been illegally formed, or where any proceedings were pending at said date on that ground, further proceedings may be stayed, upon payment of such costs or expenses, if any, as the Court or Judge may award.

Unions exist-
ing 2nd
March, 1877,
confirmed.

* **135.** *Repealed by Section 18 (1879).* 42 V. c. 34, s. 18.*

136. In the case of union school sections existing on the second day of March, one thousand eight hundred and seventy-seven, and composed of portions of adjoining Townships or portions of a Township or Townships, and a Town or incorporated Village, every such union school section shall, for the purposes of the election of trustees, be deemed one school section or division, and shall be considered in respect to inspection and taxation for school purposes as belonging to the township, town or village in which the school house is situated.

Elections of
trustees.
Inspection and
taxation in
union school
sections and
divisions exist-
ing on 2nd
March, 1877.

Union after 2nd March, 1877.

137. Since the second day of March, 1877, a union school section might, *and thence hitherto* and after this Act takes effect, may be formed between (1) parts of two or more adjoining Townships, and (2) part of one or more Townships and

Unions be-
tween parts
of two or more
townships and
of part of a
township with

a union or village.

an adjoining Town or incorporated Village, after authority has been given by by-law of the Council of each Municipality affected.

2. Such union shall not take effect until the first day of the month of January, which will be at least three months after the passing of such by-laws respectively.

3. Such by-laws shall be passed upon and according to the report of competent persons, one of whom, not being a member of the Council, shall be appointed by each Municipality concerned, and such persons, with the Inspector or Inspectors, having jurisdiction in the respective Municipalities, or the majority of them, shall report upon the expediency of such union, the location of the school house, or any change in the site thereof, and the proportion in which the part in each Municipality is to be liable to contribute towards the erection and maintenance of the school, and other requisite expenses, and for what period of years, with provisions for the renewal thereof.

[4. Repealed by 43 Vic. c. 32, s. 3.]

5. In cases where the persons to make the said report would be an even number, the Senior County Court Judge shall be added.

Formation and alteration of union sections after 2nd March, 1877. —Inspector's duty.

138 On the formation or alteration of a union school section or division, under the authority of this Act, it shall be the duty of the County Inspector concerned, forthwith to transmit a copy of the resolution, by which the formation or alteration was made, to the Clerk of the Municipality affected by the resolution.

Union of parts of townships to be one school section.

139. In the case of unions [formed after the second day of March, 1877,] the union of parts of two or more townships shall be deemed one school section, and as belonging to the township in which the school house is situated, and the provisions of this Act respecting rural school sections shall apply thereto; and, in like manner, the union of part of one or more townships with a town or incorporated village shall be deemed one school district or division, and as belonging to such town or village, and the provisions of this Act respecting Public Schools in towns or villages shall apply thereto; and such part of the township for the election of the trustees, inspection, taxation, and other school purposes, shall be deemed to be united to such town or village.

Municipality in which union section to be considered as situated.

[* **139a. Section 16 (1879).** "In the case of a union school section composed of parts of two or more Municipalities, the union school section shall be held for the purposes of inspection, taxation, the borrowing of moneys, and for all school

purposes, as within the Township, Town, or Village in which the school house of the union is situate." 42 Vic. c. 44, s. 16.*]

*139*b*. Section 3 (1880). "In the case of every union school section or school division comprised of the whole or parts of two or more Municipalities, the union school section or school division, as the case may be, shall be held for the purpose of inspection, the borrowing of money and the issuing of debentures, and for all school purposes, except as hereinafter mentioned, as within the Township, Town, or Village municipality in which the school house is situated, and if there are two or more school houses, then in the Municipality with the largest amount of assessed property; and the school rates of such union or school division shall henceforth be collected by the respective collectors of the Township, Town, or Village municipality in which each part of the union or school division is respectively situate, and the taxes shall be so levied and collected in each part of such union or school division for its proportionate amount of the trustees' yearly requisition made to the Clerk of the municipality in which the union or school division is deemed to be situate, upon an equalized basis of assessment, and if such equalized basis is not mutually agreed upon on or before the first day of August between the Councils of the respective Municipalities, this shall be determined by reference to the Inspector or Inspectors having jurisdiction in the respective Municipalities concerned, and other competent persons, one to be chosen by the Council of each other Municipality, and not being a member of such Council, and the determination by the said referees, or the majority of them, shall be final and conclusive in the premises; and in cases where the number so appointed would be even, then the senior County Judge shall be added thereto; and in case of default by any Council in appointing a referee on its behalf, on or before the first day of August, a majority of the other referees shall be competent to make such determination. The referees shall be paid the like remuneration as Township Councillors, as also their travelling expenses, by the trustees of the union or school division, out of the school moneys thereof.*

Union school section to be held for certain purposes to be in municipality in which the school house is situate.

*"2. Every such equalization shall continue in force for the period of five years, unless any Council should, before the first day of August in any year, require another reference to be held for this purpose; and the Clerk of the Municipality in which the union or school division is deemed to be situate, shall forthwith certify to the Clerks of the several Municipalities concerned, the respective amounts which each of them, according to this equalization, are required to place upon the collector's roll of his Municipality; and the amounts payable by the several ratepayers in each part of the union shall be such as, with an equal rate levied upon all parts of the union, shall be sufficient to meet the yearly requisition of the trustees upon

the Municipality in which the union or school division is deemed to be situate; [and such amounts as, and when collected shall be paid by the respective collectors to the Treasurer of the Municipality in which the union or school division is deemed to be situate."] 43 Vic. c. 32, s. 3.*

43 Vic. c. 32,
s. 3, amended.
Payment to
trustees of
union school
sections.

* **139c. Section 5** (1882). "In the case of every union school section or school division [within section three of the School Act of 1880 (forty-three Victoria, chapter thirty-two)], the amounts payable by the several ratepayers in each part of the union school section or school division, as and when collected, shall be paid by the respective collectors to the Treasurer of the Municipality in which such part of the union or school division is situate in fact, and such Treasurer shall pay over the same without any charge or deduction to the trustees entitled thereto, and the last paragraph of sub-section two of the said third section is hereby amended accordingly." 45 Vic. c. 30, s. 5.*

Power to alter
boundaries.

140. The boundaries of a union school section may be altered or dissolved by the Council of either Municipality in which part of the union is comprised, in case the same is petitioned for by a majority of the assessed freeholders and householders of such part; and in case there is any disagreement as to the terms of such alteration or dissolution, the same shall be determined by the Inspector or Inspectors having jurisdiction in the respective Municipalities concerned and one competent person, to be chosen by the Council of each Municipality or the majority of them, but no dissolution shall take effect until the first day of the month of January, which will be at least three months after the passing of the by-law in that behalf. In cases where the persons so to be appointed would make an even number, the Senior County Court Judge shall be added, and the determination of the majority of them shall be final.

Alteration of
union section.

* **140a. Section 17** (1879). "A union school section may be altered so that a part of the same may be withdrawn by the Council of the Municipality, in its discretion, in which such part is situate, without withdrawing the whole portion of such Municipality forming the union, in case such alteration is petitioned for by a majority of the assessed freeholders and householders of such part; and the *foregoing* [one hundred and fortieth] section [of the Public Schools Act] shall be construed to apply also to the case of an alteration of the boundaries of a union school section, where a part only of the portion in either Municipality is withdrawn by the Council thereof." 42 Vic. c. 34, s. 17.*

Application of
R.S.O., c. 204,
ss. 140 and 150.

* **140b. Section 9** (1880). "[The one hundred and fortieth section of the Public Schools Act shall hereafter be construed], but not to authorize such alteration by the Council of either

Municipality as would add any further portions of the Municipality to such union school section.*

* **140c.** "The provisions of section [one hundred and fifty] of this [Public Schools] Act shall apply to [any] * every * case of a dissolution of a union section for any cause whatever." 42 Vic. c. 32, s. 9.*

141. The several parts of any altered or united school sections shall have respectively the same right to a share of the Public School Fund for the year of the alteration or union, as if they had not been altered or united. Share of school fund not affected.

III. TOWNSHIP BOARDS.

142. At the annual meeting in any year of the school sections in a Township, the question of forming a Township Board may be submitted in each section for the decision of the meeting, and whenever in any Township, at any such annual meeting, two-thirds in number of the school sections so decide, the Council of such Township shall thereupon pass a by-law to abolish the division of the Township into school sections, and to establish a Public School Board accordingly; and this shall take effect on the first day of January in the next following year, [and it shall not be necessary that any portion of the Township which forms a union with another Municipality or portion thereof shall be considered in respect of the said requisite number of two-thirds of the school sections of the Township.] Establishment of township boards.

* **142a.** *Sec. 10* (1880). "And any portion of the Township forming a union, or being part of a school division with another Municipality or portion thereof, shall be considered as a section in respect of the said requisite number of two-thirds of the school sections of the Township." 43 Vic. c. 32, s. 10.* Sec. 142 amended.

143. The Township Council shall, in the by-law for establishing the Public School Board, divide the Township into four wards, which shall be the same from time to time as the wards for municipal purposes, when such exist in any Township. Division of township into wards.

144. After the by-law goes into effect, all the Public Schools of the Township shall be managed by one Board of Trustees. Management by Board.

145. At the first [and every subsequent] election, two fit and proper persons, * and at every subsequent election * (44 Vic. c. 30, s. 9) resident in the Township, and possessing the same qualifications as are prescribed for Municipal Councillors of the Township, shall be elected school trustees. in and for each ward by a majority of the votes of the resident assessed freeholders, householders and tenants thereof; one of such Qualifications of members.

trustees (to be determined by lot at the first meeting of the trustees after their election) shall retire from office at the time appointed for the next annual school election, and the other shall continue in office for one year longer, and until his successor has been appointed, and shall then retire.

* **145a.** *Sec. 9* (1881). "All existing Township Boards are hereby confirmed and made legal." 44 Vic. c. 30, s. 9.*

Time and
manner of
election.

146. Such election shall take place annually,
at the time, in the manner, and as prescribed by this Act, for
the election of trustees [in towns divided into wards].

Powers of
Board.

147. The trustees so elected shall be a corporation under
the name of "The Public School Board of the Township of
in the County of" and shall be
invested with, and possess, exercise and enjoy all the rights,
property, powers and incidents, and shall be subject to the
same duties and obligations as trustees in Rural School sections
under the provisions of this Act, * as well as those of Public
Schools in Cities and Towns (42 Vic. c. 34, s. 19),* and in any
other statute, by-law, regulation, deed, proceeding, matter or
thing shall be construed to stand and to be substituted for
each and all of the trustees of the former school section of the
township.

Effect as to
parts united.

148. After the Public School Board is established, the
portions of the Township theretofore united with an adjoining
Municipality, or a portion thereof, shall cease to be so united
on the first day of January next following the passing of the
by-law for establishing the Township Board, and in the inter-
vening period between the passing of the said by-law and
such first day of January a new union may be formed under
the provisions of this Act, under which the said former union
may be continued or another union formed, but the portion
of the Township in any former union shall remain liable for
any rate such portion was subject to while so united for the
payment of any debt or loan, so far as the creditors or lenders
thereof are concerned, and in cases where unions existing on
the second day of March, one thousand eight hundred and
seventy-seven, are not re-formed under this Act, such unions
shall continue to exist under and subject to the provisions of
the Acts in force at the time of their formation.

Adjustment of
all claims con-
sequent on
Board being
established.

149. The Township Council shall, so soon as the by-law for
establishing the Public School Board is passed, appoint the
County Inspector jointly with two other competent persons,
not residents of the Township, and they, or any two of them,
shall, in a report to the Council, value the existing school
houses, school sites, and other school property in each and
every section, or portions of the Township, and ascertain their
respective debts and liabilities; and the said valuers, or any

two of them, shall thereupon adjust and settle, in such manner as they may deem just and equitable, the respective rights, claims and demands of each and every school section or portion of the Township, and the Township Council shall pass a by-law, and give full effect to the report of said valuers.

150. In cases where a portion of the Township Municipality, on the establishment of the Public School Board, ceases to be united with any other Municipality, or portion thereof, the Council of each such Municipality shall respectively appoint one competent person, who, with the Inspector or Inspectors having jurisdiction in the respective Municipalities concerned, shall, in a report to the Councils of the respective Municipalities, value and adjust all rights and claims consequent upon such disunion between the respective portions of such Municipalities, and determine by what Municipality or portion thereof, and in what manner the same shall be settled, and the disposition of the property of the union and any payment by one portion to the other, and the report of the majority of said persons shall be valid and binding; and in cases where the persons to make this report would be an even number, the County Judge shall also be added.

Adjustment of claims in cases of parts becoming disunited.

151. In case twenty resident assessed freeholders, householders or tenants, in more than one-half of the school wards of the Township, petition the Township Council to submit a by-law to the vote of assessed freeholders, householders and tenants of the Township for the repeal of the by-law under which the Public School Board was established, but not until after the Township Board has existed for five years at least, a by-law shall be submitted to such vote accordingly, and the proceedings shall be in conformity with the Municipal Institutions Act except that the vote shall not be by ballot; and in case in the majority of such wards the majority of the votes are for such repeal, the Township Council shall pass a by-law to disestablish such Public School Board, and form school sections instead thereof; but no repeal shall take effect until the first day of the month of January next following, which will be more than three months after the voting upon the by-law for that purpose; and the Council shall also, in the same or another by-law, appoint the County Inspector jointly with two other competent persons, not residents of the township, and they or any two of them shall, in a report to the Council, value the school houses, school sites and other school property which may thereupon become the property of such school section, and shall also adjust and settle the respective rights and claims consequent on such repeal between the respective school sections, or between any school section and the Township, and all payments to be made by or to any of them.

Repeal of by-law, and for re-forming sections.

152. [In Townships where Public School Boards have already been formed, the same shall continue as they now are in all

Application of this Act to

Boards now
existing.

respects until the first day of January, one thousand eight hundred and seventy-eight, when the provisions of this Act shall also apply to them as if established under this Act, and the Township Council of each such township shall, three months at least before the said first day of January, pass the requisite by-law for dividing the Township into wards for school purposes, if there are none such for municipal purposes.]

IV. UNIONS OF HIGH AND PUBLIC SCHOOLS.

(See also Rev. Stat. c. 205, ss. 13-17.)

Existing
unions of High
and Public
Schools.

153. All existing unions of High Schools (or Collegiate Institutes) and Public School Trustee Corporations are hereby continued, and all the members of both corporations shall constitute a joint Board, and shall, as long as the union exists, be a corporation, under the name of "*The Board of Education for the City (Town, or Incorporated Village of* or *School Section, No.* in the Township of ,", as the case may be).

Name.

Powers.

154. Seven of the members of the Board shall form a quorum; and such Board shall have the powers of the trustees of both the Public and High Schools.

Union may be
dissolved.

155. The union may be dissolved at the end of the year by resolution of a majority present at any lawful meeting of the said Board of Education called for that purpose.

Disposition of
school
property.

156. On the dissolution of such union, the school property held or possessed by the Board of Education at the time shall be divided or applied to school purposes, as may be agreed upon by a majority of the Public School trustees, and of the High School (or Collegiate Institute) trustees respectively, present at meetings called for that purpose.

Failure of
trustees to
settle
disposition.

157. If the trustees fail so to agree within the space of six months after such dissolution, then the division shall be made by the Municipal Council of the City, Town, or incorporated Village within the limits of which such Public and High Schools (or Collegiate Institute) are situated.

By whom
made.

158. If the High School is situated in a school section or unincorporated Village, the division (in case of failure to agree as aforesaid) shall be made by the County Council.

No future
union.

159. No union of a Public School, or department thereof, with a High School or Collegiate Institute, shall hereafter be made.

V. RESPECTING NON-RESIDENTS.

160. Any person residing in one school section or division, and sending his child or children to the school of a neighbouring one, shall, nevertheless, be liable for the payment of all rates assessed on his taxable property for the school purposes of the section or division in which he resides, as if he sent his child or children to the school of such section or division. A resident in one section sending his children to another section.

2. A non-resident child or children shall not be returned as attending any other than the school of the section or division in which the parents or guardians of the child or children reside.

3. This section shall not apply to persons sending children to or supporting Separate Schools. Exception as to separate schools.

4. Nor shall this section prevent any person who may be taxed for Public School purposes on property situate in a different school section or division from that in which he resides, from sending his children to the school of the section or division in which the property is situate, on as favourable terms as if he resided in such section or division. Exception as to non-resident ratepayers.

* *4a. Section 2 (1880).* "Provided the school rate paid by such person upon the said property is at least equal to the average school rate paid by the residents of such section or division; and the fees to be imposed upon other non-resident pupils whose parents or guardians do not pay an average school rate in the section or division shall not exceed the sum of fifty cents for each pupil for every calendar month." 43 Vic. c. 32, s. 2. * Proviso. Fees on non-resident pupils.

PART IX.

PUBLIC SCHOOL TEACHERS.

I. AGREEMENTS.

161.* All agreements between trustees and teachers, to be valid and binding, shall be in writing, signed by the parties thereto, and sealed with the corporate seal of the trustees. Valid agreements with teacher.

2. Such agreements may lawfully include any stipulation to provide the teacher with board and lodging.

3. Such agreements shall be authorized, as provided in the case of other acts of the school corporation by the ninety-seventh to ninety-ninth sections inclusive of this Act.

Teacher entitled to holidays and vacations.

***161a. Section 21 (1878).** "4. Every teacher of a Public School shall be entitled to be paid his salary for the authorized holidays occurring during the period of his engagement with the trustees, and also for the vacations which follow immediately upon the expiration of the school term during which he has served or the term of his agreement with such trustees.

Case of sickness.

Four weeks allowed.

5. In case of sickness, certified by a medical man, such teacher shall be entitled to his salary, during such sickness for a period at the rate of not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees." 41 V. c. 8, s. 21.*

II. QUALIFIED TEACHER DEFINED.

Qualified teacher defined.

162. No male or female teacher, assistant, or monitor of a Public School, shall be deemed legally qualified, who does not at the time of his or her engaging with the trustees, and during the period of the engagement with the trustees, hold a certificate of qualification, as provided by law.

III. SPECIFIC DUTIES OF TEACHERS.

Duties of Public School teacher.

163. It shall be the duty of every teacher of a Public School—

To teach according to law and regulations.

Rev. Stat. c. 203.

1. To teach diligently and faithfully all the branches required to be taught in the school, according to the terms of his engagement with the trustees, and according to the provisions of this Act and *The Act respecting the Education Department* and the authorized regulations under it;

To keep the register of the school.

2. To keep in the prescribed form the general, entrance, and the daily class, or other Registers of the school, and to record therein the admission, promotion, removal, or otherwise of the pupils of his school;

To maintain proper order and discipline.

3. To maintain proper order and discipline in his school according to the authorized forms and regulations;

To keep a visitors' book.

4. To keep a Visitors' Book (which the trustees shall provide) and enter therein the visits made to his school, and to present said book to every visitor, and request him to make therein any remarks suggested by his visit;

To give access to register and visitors' book.

5. To give the trustees and visitors access at all times, when desired by them, to the Registers and Visitors' Book appertaining to the school;

6. To deliver up any school Registers, Visitors' Book, school-house key, or other school property in his possession, on the demand or order of the majority of the trustee corporation employing him; Deliver up registers and key.

(a.) He shall not wilfully refuse so to do, and in case of such wilful refusal, he shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the said trustees. In case of refusal.

7. To have at the end of every quarter a public examination of his school, of which he shall give due notice to the trustees of the school, to any school visitors who reside in or adjacent to the school, and through the pupils to their parents or guardians; To hold public quarterly examinations.

8. To furnish to the Minister of Education, or to the School Inspector, in the trustees' report or otherwise, any information which it may be in his power to give respecting anything connected with the operations of his school, or in any wise affecting its interests or character. To furnish information to the Minister and Inspector.

* **163a. Section 12 (1881).** "No teacher shall substitute for any authorized book in actual use in his school, any other text book on the same subject, unless and until he shall have obtained the written approval of the Public School Board of Trustees, and the Public School Inspector, to such change; but every such approval must be sanctioned by the Minister of Education, and no such change shall take place until the first day of January which shall occur after the first day of July previous to which such approval and sanction have been obtained; and in case any teacher or other person shall negligently or improperly substitute any text book in place of any authorized text book in actual use upon the same subject in his school, he shall for each such offence, on conviction thereof before a police magistrate or justice of the peace, as the case may be, be liable to a penalty not exceeding ten dollars, payable to the municipality for public school purposes, together with costs, as the police magistrate or justice may think fit." 44 Vic. c. 30, s. 12."*

IV. PROTECTION IN REGARD TO SALARY.

164. Every teacher shall be entitled to be paid at the rate mentioned in his agreement with the trustees, even after the expiration of the period of his agreement, until the trustees pay him the whole of his salary as teacher of the school, according to their engagement with him. Protection of teachers in regard to salary.

2. This section shall only apply where the teacher prosecutes his claim for salary within three months after it is due and payable by the trustees.

Provision in case of difference between teacher and trustees.

165. All matters of difference between trustees and teachers, in regard to salary or other remuneration, shall be brought and decided in the Division Court by the Judge of the County Court in each County.

Rev. Stat. c. 203, ss. 7-17.

2. The decision of any County Judge in all such cases may be appealed from, as provided by *The Act respecting the Education Department*.

Issue of execution.

3. In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of this section, and not appealed from, execution may issue from time to time, to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder.

V. SUPERANNUATION OF TEACHERS.

Annual payments by male teachers to Superannuated Teachers' Fund.

166. Every male teacher of a Public School holding a certificate of qualification under the School Acts shall pay into the Fund for the support of superannuated school teachers, through the Public School Inspector, the sum of at least four dollars annually in half-yearly sums.

Female teachers and Inspectors.

167. Every female teacher holding a like certificate, and every legally qualified master or teacher of a High School, and the Inspectors of Public and High Schools, may also, while engaged in teaching or inspecting, pay into the Fund a like or larger sum annually, and they shall respectively be entitled to the superannuation or other allowances to Public School teachers under and subject to the provisions of this Act.

Teachers retiring to be paid back.

168. Any teacher retiring from the profession shall be entitled to receive back from the Minister of Education one-half of any sums paid in by him or her to the fund, through the Public School Inspector, or otherwise.

Repayment to wife, etc., of deceased teacher.

169. On the decease of any teacher, his wife, her husband, or other legal representative, shall be entitled to receive back the full amount paid into the Superannuation Fund by such teacher, with interest at the rate of seven per cent. per annum.

Right of Teacher to retire.

170. Every teacher who, while engaged in his profession, contributes to the Superannuated Teachers' Fund as provided by this Act, shall, on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of six dollars per annum, for every year of such service in Ontario, upon furnishing to the Education Department satisfactory evidence of good moral character, of his age, and of the length of his service as a Public or High School teacher in Ontario.

Pension on reaching 60 years of age.

Condition of pension.

2. Such pension may be supplemented out of local funds by any Municipal Council, Public School Board or Board of Education at its pleasure. Supplementary pension.

171. Every teacher under sixty years of age who has contributed as aforesaid and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and upon furnishing to the Education Department from time to time, in addition thereto, satisfactory evidence of his being disabled. Teachers under 60.

172. Every teacher entitled to receive an allowance from the Superannuated Teachers' Fund, who holds a first or second class Provincial Certificate, or who is an authorized Head Master of a High School or Collegiate Institute, shall, in addition to said allowance or pension, be entitled to receive a further allowance at the rate of one dollar per annum for every year of service while he held such certificate, or while he acted as Head Master of a High School or Collegiate Institute. \$1 per annum extra to certain teachers.

173. The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when requested) to the satisfaction of the Education Department. Proviso in regard to good moral character.

174. If any pensioned teacher shall, with the consent of the Education Department, resume the profession of teaching, the payment of his allowance shall be suspended from the time of his being so engaged. Teacher resuming profession.

175. In case of his again being placed by the Education Department on the superannuation list, a pension for the additional time of teaching shall be allowed him, on his compliance with this Act, and the prescribed regulations. Again retiring.

PART X.

INSPECTORS OF PUBLIC SCHOOLS.

I. QUALIFICATIONS OF INSPECTORS.

176. The qualifications of County, City and Town Inspectors shall, from time to time, be prescribed by the Education Department, which shall determine the time and manner of examination of candidates for certificates of qualification as Inspectors, and grant such certificates. Qualifications of Inspectors.

Qualification
of Inspectors.

177. No person shall be eligible to be appointed an Inspector who does not hold a legal certificate of qualification as required by the one hundred and seventy-sixth section of this Act.

II. APPOINTMENT AND REMOVAL OF INSPECTORS.

Appointment
of Inspectors.

178. Each County Inspector of Public Schools shall be appointed by the County Council, and every City or Town Inspector shall be appointed by the Public School Board of the City or Town.

Lieut.-Governor to form remote districts for inspection.

179. The Lieutenant-Governor in Council may constitute any number of Municipalities or other portions of territory, in the rear or remote parts of Counties, and in Judicial or Territorial Districts, to be a District or districts for the purposes of school inspection under this Act, upon such terms, and subject to such regulations as the Lieutenant-Governor in Council may from time to time determine, and the County or Provisional Council concerned, shall provide their proportionate share of the salary of the Inspector, and also of his travelling expenses.

Conditions of
dismissal of
Inspector.

180. Any County, City, or Town Inspector shall be subject to dismissal by a majority of the members of the Council or Board appointing him in case of misconduct or inefficiency, or by a vote of two-thirds of such Council or Board without such cause.

Dismissal by
Lieutenant-Governor.

181. County Inspectors shall be subject to dismissal by the Lieutenant-Governor for misconduct or inefficiency.

Re-appoint-
ment of dis-
missed Inspec-
tor.

182. No dismissed Inspector shall be re-appointed without the concurrence of the party who has dismissed him.

Towns may
place schools
under County
Inspector.

183. The Public School Board of any Town not separated from the County may, with the approval of the Education Department and subject to its General Regulations, place the schools of such town under the jurisdiction of a County Inspector, in which case the Inspector shall be entitled to the like salary and remuneration as he receives for rural schools.

III. REMUNERATION OF INSPECTORS.

(1.) *Salary.*

Remuneration
of City and
Town Inspec-
tors.

184. The remuneration of each City and Town Inspector shall be determined and provided for by the Board appointing him.

Salary and
remuneration
of County
Inspectors.

185. The county remuneration of a County Inspector shall not be less than five dollars per school per annum, to be paid quarterly by the County Council.

186. The County Council shall have authority to determine and provide for the travelling expenses of the County Inspector. Travelling expenses.

(2.) *Additional Allowance to County Inspectors.*

187. It shall be lawful for the Lieutenant-Governor to direct the payment, out of the Consolidated Revenue Fund, of an additional sum, not exceeding five dollars per school per annum, to each County Inspector. Additional allowance by Lieutenant-Governor.

188. Every County School Inspector shall be entitled to an allowance from the County Council, including travelling expenses, of such an amount as the Council may determine, when not fixed by law, for performing the following additional duties: Additional allowance for additional duties.

(a.) Equalizing annually, with the Mayors, Reeves, or Deputy-Reeves, the assessments in union school sections or divisions existing on the second day of March, 1877, and for duties required by this Act in respect to other union school sections. Equalizing assessments.

(b.) Visiting and inspecting schools, and giving special certificates to teachers in new and remote townships, under the authority of this Act. Visiting new townships.

189. Any Inspector, or other duly qualified person, appointed to inspect schools in new and remote Townships, and to advise and encourage settlers to establish schools for their children, under the regulations and with the aid provided by law, or to report on any school matter, shall be entitled to such additional or other remuneration out of any moneys appropriated by the Legislature or County Council for that purpose, as may be deemed just and equitable, considering the nature and extent of the duties to be performed. Additional remuneration to Inspectors in new Districts.

(3.) *Allowance for Arbitrations.*

190. School Inspectors engaged in investigating and deciding upon school complaints and disputes shall be entitled to the same remuneration per diem for the time thus employed as are members of the Municipal Council of their County for their time and attendance at Council meetings. Allowance for acting as arbitrator.

2. The parties concerned in all such disputes shall pay all the expenses incurred in them, according to the award or decision of the arbitrators and School Inspectors respectively.

191. No Inspector of schools hereafter appointed shall, during his tenure of office, engage in or hold any other employment, office, or calling which would interfere with the full discharge of his duties as Inspector as required by law. Inspector not to hold other offices.

Inspectors to swear witnesses in certain cases.

192. In cases where an Inspector requires the testimony of witnesses to the truth of any facts alleged in any complaint or appeal made to him or to the Minister of Education or the Education Department, it shall be lawful for such Inspector to administer an oath to such witnesses, or to require their solemn affirmation before receiving their testimony.

Warden may supply vacancies in the office of Inspector.

193. In the event of any County Inspector resigning his office, the Warden of the county within which such Inspector held office may appoint, from the list of those legally qualified, a fit and proper person to the office vacated, until the next ensuing meeting of the County Council.

IV. DUTIES OF PUBLIC SCHOOL INSPECTORS.

Duties of County School Inspectors.

194. It shall be the duty of every Public School Inspector in a County, City or Town, and he is hereby empowered—

(1.) *Oversight of Schools.*

Jurisdiction, obligations, etc.

1. To have the oversight of all Public Schools in the Municipality for which he is appointed, and if a County Inspector in the Townships and Villages within the County or union of Counties, or part of the County or union of Counties for which he is appointed.

See to observance of lawful regulations.

2. To see that all the schools are managed and conducted according to law.

(2.) *Visiting Schools.*

Make two visits a year to each school.

3. To visit every Public School within his jurisdiction twice in a year (if a County Inspector), unless oftener required to do so by the County Council which appointed him, or for the adjustment of disputes or otherwise, and if a City or Town Inspector, to visit from time to time and as often as may be required of him by the Public School Board.

(a.) One of such half-yearly visits (in the case of a County Inspector) shall be made between the first of April and the first of October, and the other between the first of October and the first of April.

Examine the state of the school.

4. To examine at his visits of inspection, into the state and condition of the school, as respects the progress of the pupils in learning; the order and discipline observed; the system of instruction pursued; the mode of keeping the school registers; the average attendance of pupils; the character and condition of the building and premises; and to give such advice to the teachers, pupils and officers of the school as he may judge proper.

5. To prevent the use of unauthorized, and to recommend Text books. the use of authorized books in each school; and to acquire and give information as to the manner in which such authorized books can be obtained, and the economy and advantage of using them.

6. To meet and confer with the Minister of Education at Meet the Minister on official visits. such time and place as he may appoint when making official visits.

(3.) *Lectures, etc.*

7. To deliver from time to time, under regulations prescribed Deliver annual lecture. by the Minister of Education, a public lecture or lectures in his county or division, on some subject connected with the objects, principles, and means of practical education.

8. To do all in his power to persuade and animate parents, Other duties. guardians, trustees and teachers, to improve the character and efficiency of the Public Schools, and to secure the sound education of the young generally.

(4.) *Complaints as to Elections of School Trustees.*

9. In the case of a County Inspector, to receive, investigate Mode of proceeding in contested elections in school sections. and decide upon any complaint—

(a.) In regard to the election of school trustees, made to him within twenty days after holding any Public School meeting for the election of a trustee or trustees in any rural section, within the limits of his charge, or respecting the mode of conducting such election;

(b.) In regard to the proceedings at any rural school meeting;

and according to the best of his judgment to confirm or set such election or proceeding aside, and appoint the time and place for a new election; but no complaint in regard to any election or proceeding at a school meeting shall be entertained Complaint within twenty days. by any Inspector unless made to him in writing within twenty days after the holding of the election or meeting.

(5.) *Decision of Disputes.*

10. In the case of a County Inspector—to decide upon any To decide disputes. difference of opinion between the auditors of the school accounts of any school section which may be referred to him.

11. To decide upon any questions submitted to him which Appeal. arise between interested parties under the operation of this Act; or if he deems it advisable, the Inspector may refer any such question for settlement to the Minister of Education.

Distance of
non-resident
pupils from
school.

12. To decide any dispute which may arise as to the comparative distance of the homes of non-resident pupils from the school of their section or from the school of the city, town or division, and from the school of an adjoining section or division.

(6.) *Apportionment of Public School Fund.*

To apportion
School Fund
according to
average
attendance.

13. In the case of a County Inspector—to distribute, unless otherwise instructed by the Minister of Education, among all of the school sections and divisions under his jurisdiction their respective portions of the Public School Fund apportioned to or raised by County rate within the Townships under his charge, according to the ratio of the average attendance of pupils at each Public School (the mean attendance of pupils for each half-year being taken) as compared with the whole average number of pupils attending the Public Schools of every such Township, *(Sub-sec. 3, s. 9, of Act of 1880,) and the County Inspector shall, before distributing the county rate among the Public School sections, deduct the amount certified to him by the clerk of any municipality in which any Separate School section or part of a section is situate according to the list given by such clerk of the supporters of Separate Schools against whom the county rate for Public School purposes has been placed, and the amount so rated against each and the total amount so rated, and shall give the trustees of the Separate School section an order on the county treasurer or sub-treasurer for the amount thereof. 43 V. c. 32, s. 9, sub-sec. 3.*

To apportion
but not pay
unless trustees
make half-
yearly return.

14. In the case of a County Inspector—to apportion the School Fund, but not give a cheque for any portion of it, to any school section which has not been conducted according to law and the regulations provided under its authority, or whose trustees have neglected to transmit to him their return of average attendance for the last preceding half-year.

(7.) *Cheque to Teachers—Superannuation Money.*

Give cheques
to none but
qualified
teachers.

15. To give to any qualified teacher, assistant, or monitor, but to none others, in the case of a City or Town in conjunction with the Public School Board, an order on the Treasurer for any salary due to such teacher, and in the case of a County, on the order of the trustees of any school section, a cheque upon the County Treasurer or sub-Treasurer, for any sum of money apportioned and due to the section, after deducting the teachers' superannuation moneys payable by the male teacher of the section, as provided in the next succeeding clause of this section.

* Section 9 (1881). "And the Inspector is further authorized and required, upon the written request of the School

Board or Trustees, to give an order on the treasurer or sub-treasurer in that behalf in favour of such Board or Trustees for any sum of money payable for teachers' salaries, and due to such Board or section, excepting the superannuation money payable half-yearly by male teachers, which are to be retained by the Inspector, as payments made by such teachers as are in the employ of the Board or Trustees." 44 V. c. 30, s. 9.*

16. To deduct two dollars semi-annually for the Superannuated Teachers' Fund, from each half-yearly payment made by him on behalf of any male teacher holding a certificate of qualification within his jurisdiction, and to transmit the same to the Education Department. Deduct half-yearly superannuation payments.

17. To give an order, half-yearly, on the Treasurer or Secretary-treasurer for any moneys in his hands, deducted by him or otherwise payable by male teachers employed by the school corporation to the Superannuated Teachers' Fund. Order for superannuation money.

(a.) Every Treasurer of school moneys is required to pay to the order of the Inspector, at the end of every half-year, any male teacher's superannuation moneys in his hands. Teachers' superannuation moneys.

18. In the case of a County Inspector—to give no cheque upon any trustee's order, except in the case of a new school section, unless a satisfactory annual school report for the year ending on the last day of December preceding has been received from the trustees; nor unless it appears by such report that a school has been kept by a qualified teacher in such section for at least six months during the year ending at the date of such report. Condition of giving cheques to trustees.

19. In the case of a County Inspector—to furnish the County Auditors, when required, with the trustees' orders as the authority for his cheques upon the County or sub-treasurer for school moneys. Give information to county auditors.

(8.) *Examination of Public School Teachers.*

20. To apply, from time to time, to the County Council or Public School Board for suitable rooms or other accommodation for holding the examination of Public School teachers. Obtain accommodation for examination.

21. To attend and take part in the meetings of the Board of Examiners of Public School teachers, as required by this Act. Attend certain meetings.

(a.) Also, in the meetings of the Board of Examiners for the admission of pupils to any High School or Collegiate Institute in a Township or Village.

(b.) Also, in the meetings for arbitration appointed under the authority of this Act.

(9.) *Temporary Certificates.*

May give
temporary
certificates
to teachers.

22. To give any candidate, on due examination, according to the programme authorized for the examination of teachers, and subject to the regulations of the Education Department, a certificate of qualification to teach a school within the limits of the charge of such Inspector until (but no longer than) the next ensuing meeting of the Board of Examiners of which such school Inspector is a member.

(a.) No such certificate shall be given a second time, or be valid if given a second time to the same person in the same county.

Annual report
as to teachers
holding third
class certifi-
cates.

*22 (*aa.*) *Section 2* (1882). "It shall be the duty of the County Inspector in every case, and of the Public School Board or Trustees by whom any Public School teacher, holding a third class certificate, has been employed, to prepare and send in annually to the Education Department, on or before the first day of June, a separate and independent report as to the fitness, aptness and success in teaching of each such teacher; and the Minister of Education shall have authority thereupon to determine whether at the expiration of the term of such certificate, any such teacher is entitled to any and what extension of such term, and to grant the same for such period as the circumstances of each case may justify." 45 V. c. 30, s. 2. *

(10.) *Endorsing Third Class Certificates.*

To endorse
third class
certificates.

*23. To endorse as valid within the City, Town, County, Riding or division in which he is Inspector, any third-class certificate issued by any County Board of Examiners, under such general regulations as may from time to time be prescribed under this Act or *The Act respecting the Education Department*.*

Rev. Stat.
c. 203.

Public Schools.

Third class
certificates
awarded by
County Board
to entitle
holder to
employment
without
endorsement
of Inspector.

23*a.* *Sec. 1* (1882). In the case of a third-class Public School teachers, certificates which have been, or may be awarded by any County Board of Examiners to those passing the professional examination after attendance at a County Model School, shall entitle the holder thereof to be employed as a duly qualified Public School teacher in any County in the Province, without being required to obtain the endorsement of the Public School Inspector thereof. 45 Vic. c. 30, s. 1.

(11.) *Special Certificates.*

Certificates to
teachers in
new districts.

24. In the case of a County Inspector—to examine and give, under such general regulations or instructions as aforesaid, special certificates from time to time to teachers in new and

remote Townships in the County, Riding or division in which he is Inspector.

(a.) Such certificates shall be valid in such Townships for the periods mentioned in the regulations.

(12.) *Monitors' Certificates.*

25. To examine and give, at his discretion, a special certificate to be valid for one year, to a senior pupil (or pupils) of a Public School or other person, to act as monitor or assistant, or monitors or assistants, in such Public School, under general regulations and instructions framed by the Education Department for that purpose. Certificates to monitors and assistants in Public Schools.

(a.) The Inspector shall not grant such certificate without being fully satisfied that the pupil or person is qualified to teach the subjects for which he has been or may be employed. Proviso.

(13.) *Suspension of Teachers' Certificates.*

26. To suspend the certificate of qualification of any class or grade of any master or teacher, for any cause which appears to him to require it. May suspend teacher's certificate.

(a.) The suspension of a Provincial certificate, formerly issued by the Chief Superintendent or Council of Public Instruction, or issued by the Education Department or Minister of Education, shall continue until the case is reported to and decided by the Minister.

(b.) Any other certificates suspended by the Inspector shall remain so suspended until the next ensuing meeting of the County Board of Examiners of Public School Teachers, of which meeting due notice shall be given to the teacher whose certificate is suspended.

(c.) The suspension or cancelling of a teacher's certificate of qualification shall release the school trustees who employed the teacher from any obligation to continue him in their employment.

27. To report forthwith to the Minister of Education the suspension by him of a teacher's Provincial certificate of qualification. Report suspension to Minister.

(a.) The Inspector shall notify in writing the teacher whose certificate he has suspended of the reasons of such suspension.

(b.) The Minister of Education shall finally decide the case.

(14.) *Alteration of School Boundaries.*

Schools in
unorganized
townships.

28. In the case of a County Inspector, to perform any duties required of him by this Act, in regard to the formation, alteration and assessment rolls of school sections in the unorganized Townships.

Apply to coun-
cil to alter
sections.

29. In the case of a County Inspector, to apply at his discretion to the Township Council to alter the boundaries of any school section or school sections within his jurisdiction.

(15.) *Formation, Alteration, etc., of Boundaries of Union School Sections.*

Aid in form-
ing union
sections.

30. In the case of a County Inspector, to call and attend the meetings authorized to be held by this Act, for the formation, dissolution, or alteration of the boundaries of union school sections, and for the annual equalization of assessments in the cases provided for by this Act.

Notice to
township
clerk.

31. In the case of a County Inspector, to give notice to the Township Clerk and to the school trustees in regard to the formation, dissolution, or any alteration in the boundaries of union school sections, as required by this Act.

(16.) *Annual Report.*

Transmit an-
nual report to
the Minister.

32. To prepare and transmit to the Minister of Education on or before the first day of March, an annual report, which shall be in the form provided by the said Minister, and which in the case of County Inspectors shall state—

Contents.

(a.) The whole number of schools and school sections, or parts of sections in each Township within his jurisdiction.

(b.) The number of pupils over the age of five and under the age of sixteen taught in each school; the number between the ages of sixteen and twenty-one years; the whole number of children residing in each section, or part of a section, over the age of five and under the age of sixteen years.

(c.) The length of time a school has been kept by a qualified teacher in each of such sections or parts of sections; the branches taught; the number of pupils in each branch; the books used; and the average attendance of pupils, both male and female, in each half-year.

(d.) The amount of moneys received and collected in each section or part of a section—distinguishing the amount apportioned by the Minister of Education, the amount received from County assessment, the amount raised by trustees and the amount from any other and what sources; also how such

moneys had been expended, or whether any part remains unexpended, and from what causes ; and the annual salary of teachers, male and female, with and without board.

(e.) The number of school visits made by himself and others during the year ; the number of school lectures delivered ; the whole number of school houses, their sizes, description, furniture and appendages ; the number rented ; the number erected during the year ; of what description ; and by what means.

(f.) The number of qualified teachers, their standing, sex, and religious persuasions ; the number, so far as he can ascertain, of private schools ; the number of pupils and subjects taught therein ; the number of libraries, their extent, and how established and supported ; also any other information which he may possess respecting the educational state, wants and advantages in each Township of his charge, and any suggestions which he thinks proper to make with a view to the improvement of schools and diffusion of useful knowledge.

(17.) *Miscellaneous.*

33. In case of a County Inspector—to appoint, in his discretion, the time and place for a special school section meeting, at any time, for any lawful purpose. Call meeting.

34. In case of a County Inspector—to act jointly with two other persons as valuator of school section sites, school houses and other school property in a Township, *and as referee upon the formation or alteration of school sections therein (s. 9 of Act of 1880),* as may be directed by the Township Council, and to report with them the result to the Council. Act as valuator.

35. In the case of a County Inspector—to direct trustees, at his discretion, as to the deposit with the County Treasurer or other investment of the compensation awarded for school sites under the [one hundred and twenty-eighth and five following sections] of this Act. School site compensation.

36. In the case of a County Inspector—to recommend to the County Council such special or additional aid as he may deem advisable to be given to new or needy school sections in the County. Aid to poor schools.

37. To deliver over to his successor, on retiring from office copies of his official correspondence, and all school papers in his custody, on the order of the County Council or Public School Board, as the case may be. Hand over papers on retiring from office.

38. To give any information in his power, when desired, to the Minister of Education, respecting any Public School matter within his jurisdiction. Giving information to Minister.

- Observing regulations. 39. To act in accordance with the regulations provided for his guidance, and the instructions given to him from time to time by the Minister of Education.
- Perform other duties. 40. In the case of a City or Town Inspector—to perform such other duties as may be required of him by the Public School Board appointing him, or by the Minister of Education.
- General powers. 41. To have, in every municipality within his jurisdiction, all the powers and be subject to all the obligations which are conferred or imposed upon Inspectors by law, according to such instructions as may be given to him from time to time by the Minister of Education.

(18.) *Apportionment to Union School Sections.*

- How union sections shall be paid. **195.** The School Inspectors of adjoining Townships shall determine the sums to be paid from the Public School Fund of each Township in support of the schools of union school sections consisting of portions of the Townships.
2. They shall also determine the manner in which such sums shall be paid.
3. In the event of one person being Inspector of the Townships concerned, he shall act in behalf of all the Townships.
- Warden to decide in case of dispute. 4. In the event of the School Inspectors thus concerned not being able to agree as to the sum to be paid to each of the townships, the matter shall be referred to the Warden of the county for final decision.

PART XI.

COUNTY BOARDS OF EXAMINERS.

I. CONSTITUTION OF BOARD.

- County Board of Examiners constituted; examination of Public School teachers. **196.** Every County Council shall appoint a County Board of Examiners, for the examination and licensing of teachers, in accordance with the regulations provided by law.
2. The Board shall consist of the County and City Inspector and two or more other competent persons, whose qualifications shall, from time to time, be prescribed by the Education Department.

3. In no such Board shall the number of members exceed five.

4. In all cases, the majority of the members appointed shall constitute a quorum for the transaction of business.

II. DUTIES OF THE BOARD.

197. It shall be the duty of every County Board of Examiners—

1. To examine and give third-class certificates of qualification to candidates as teachers of Public Schools, according to their attainments and abilities, as prescribed in this Act and by the authorized programme of examination and instructions under *The Act respecting the Education Department*. To examine teachers and give certificates.
Rev. Stat. c. 203.

(a.) Every certificate of qualification issued by any Board of Examiners shall have the signature of at least one Inspector of schools. Signature certificates.

2. To dispose of any case of suspension by an Inspector of any County Board certificate, in such manner as a majority of the members present may think proper. To decide upon any case of suspension of County Board certificates by the Inspector.

198. [Not more than] One examination per annum shall be held in the several Counties for the granting of Public School teachers' third class certificates; [which examination shall be held some time during the month of July], as determined by * the Regulations of * the Education Department. Only one examination for third class certificates to be held yearly.

2. Where there are two Inspectors in any County, the County Council may authorize and direct a separate examination to be held in each division of the County. Examination in each division.

III. REMUNERATION.

199. Every member of the Board of Examiners shall be entitled to the same allowance from the County Council for his time, travelling and other expenses, as a member of the County Council receives, for time and attendance at the County Council, and to such additional allowance as may be determined by such Council. See 40 Vic. c. 16, s. 3 (7). Allowance to examiners.

PART XII.

TEACHERS' CERTIFICATES.

Teachers to be
moral, and
subjects of
Her Majesty.

200. No certificate shall be given to any person as a teacher who does not furnish satisfactory proof of good moral character, or who, at the time of applying for the certificate, is not a natural born or naturalized subject of Her Majesty, or who does not produce a certificate of having taken the oath of allegiance to Her Majesty, before a Justice of the Peace for the municipality in which such person resides.

Third class
certificates
awarded by
County Board
to entitle
holder to
employment
without
endorsement of
Inspector.

***200a. Secs. 1, 2, 3 (1882).** "1. In the case of third class Public School teachers, certificates which have been, or may be, awarded by any County Board of Examiners to those passing the professional examination after attendance at a County Model School, shall entitle the holder thereof to be employed as a duly qualified Public School teacher in any county in the Province, without being required to obtain the endorsement of the Public School Inspector thereof. *

Annual report
as to teachers
holding third
class certifi-
cates.

***"2.** It shall be the duty of the County Inspector in every case, and of the Public School Board or trustees by whom any Public School teacher, holding a third class certificate, has been employed, to prepare and send in annually to the Education Department, on or before the first day of June, a separate and independent report as to the fitness, aptness and success in teaching of each such teacher; and the Minister of Education shall have authority thereupon to determine whether, at the expiration of the term of such certificate, any such teacher is entitled to any and what extension of such term, and to grant the same for such period as the circumstances of each case may justify.*

Third class
district
certificates.

***"3.** Third class District Certificates may be granted, subject to the regulations of the Education Department, to be valid only in the territorial and remote districts following, namely:—Thunder Bay, Nipissing, Algoma and Parry Sound, also in the northern parts of the counties of Victoria (including the district of Muskoka), Peterborough (including the county of Haliburton), Hastings, Frontenac, Lennox and Addington, and Renfrew, as may be defined by the Education Department. The Board of Examiners for any such district certificate shall consist of the judge (where one) and stipendiary magistrate, with the Inspector (if any) in the territorial and other districts; and in counties, of the Inspector and two members appointed by the Minister of Education." 45 V. c. 30, ss. 1, 2, 3.*

201. First and second class Provincial certificates of qualification shall, on the report of the Central Committee of Examiners, be awarded to teachers by the Education Department according to its regulations. First and second class Provincial certificates.

2. Second class Provincial certificates may, upon the report of the Central Committee of Examiners, be awarded by the Education Department to candidates eligible for first class certificates who fail to come up to the required standard.

3. Third class certificates shall be awarded to eligible candidates by the County Board of Examiners according to the regulations of the Department.

4. County Boards shall have powers to renew third class certificates, subject to the regulations of the Education Department.

5. First and second class Provincial certificates only, given under the authority of this Act, shall be permanent during the good behaviour of the holders, and valid in all the Municipalities of the Province.

202. Upon passing the requisite examination, special certificates may be issued by the Minister of Education (under the prescribed regulations) to any person who has been trained at any Normal School or other training institution for teachers, or who has been duly certified or licensed by any recognized body as a school teacher in any part of the British Dominions. Certificates to students of any Normal School in British dominions.

2. Such certificates shall specify, among other qualifications, the standing of such person at the Normal School, or other training institution, and the extent of his ability and aptitude to teach, as evinced by his certificates or testimonials from such Normal School, or other body, to the satisfaction of the Minister of Education. Nature of qualifications.

203. All certificates of qualification of teachers granted before the fifteenth day of February, in the year one thousand eight hundred and seventy-one, shall remain in force in their respective municipalities on the terms and conditions of the Act under which they were granted; and upon their ceasing to be valid, as provided by law, other than by the confirmation of their suspension, they may be renewed from time to time under the regulations and programmes prepared under the authority of *The Act respecting the Education Department*. Former certificates continued.

Rev. Stat. c.
203.

204. Every Public School teacher's first class certificate issued under the school laws of this Province, by a County Board, before the fifteenth day of February, one thousand eight hundred and seventy-one, and now legally valid (not having Same subject.

been recalled, suspended, or cancelled according to law), in any city or county, shall remain valid in such county or city during the good behaviour of the holder.

Same subject.

205. Every Public School second class teacher's certificate issued before such time, and under like authority, and now legally valid, as aforesaid, shall (when such teacher has taught for a period of not less than ten years in Ontario) continue to be valid during good behaviour in such County or City.

PART XIII.

SCHOOL VISITORS.

Public School
visitors
defined.

206. All clergymen recognized by law, of whatever denomination; all Judges, members of the Legislature, members of County Councils, and Aldermen, shall be school visitors in the Townships, Cities, Towns and Villages where they respectively reside.

2. Persons holding the Commission of the Peace for the County only, shall not be school visitors within Towns and Cities.

3. Every clergyman shall be a school visitor only in the Township, Town or City where he has pastoral charge.

Their author-
ity to visit
Public Schools

207. Each of the school visitors may visit the Public Schools in the Township, City, Town or Village. They may also attend the quarterly examination of schools, and, at the time of any such visit, may examine the progress of the pupils, and the state and management of the school, and give such advice to the teacher and pupils, and any others present, as they think advisable, in accordance with the regulations and instructions provided in regard to school visitors.

General meet-
ing of school
visitors.

208. A general meeting of the visitors may be held at any time or place appointed by any two visitors, on sufficient notice being given to the other visitors in the Township, City, Town or Village.

Authority
at such
meetings.

209. The visitors thus assembled may devise such means as they deem expedient for the efficient visitation of the schools, and for promoting the establishment of libraries and the diffusion of useful knowledge.

PART XIV.

COMPULSORY EDUCATION.

* **209a.** *Sections 1-7 (1881).* " **1.** The parent or guardian of every child, not more than thirteen years of age, is required to cause such child to attend a Public School, or any other school in which elementary instruction is given, unless there be some reasonable excuse for non-attendance.*

* **2.** Except as hereinafter provided, the time which any such child is required to attend a Public School is during the whole time in each week for which such school is open for instruction of children, and for the respective periods of eleven weeks in each of the two terms of the Public School year.*

* **3.** Any person who receives into his house a child of any other person, under the age of thirteen years, and who is resident with him, or in his care or employment, shall be deemed thereby to be subject to the same duty with respect to the elementary education of such child during such residence, and shall be liable to be proceeded against as in the case of a parent, if he should fail to perform his duty of causing such child to be educated to the extent required of a parent; but the duty of the parent under this Act shall not thereby be affected or diminished, and shall continue in full force.*

* **(2.)** In the case of each such child who is employed in any manufactory, one-half of the whole time required by this Act in each week for instruction shall be deemed to be sufficient instruction in such case.*

* **4.** A child shall not be required to attend a Public School if such child is under efficient elementary instruction in some other manner, or if such child has been prevented attending by sickness, or other unavoidable cause, or if there is no Public School which such child can attend within two miles, measured according to the nearest road from the residence of such child, if under the age of nine, and within three miles if over that age.*

* **5.** Public School Boards and Rural School Trustees may appoint an officer to ascertain and report to the School Board or Trustees, for their information, any parent or other person who has failed and omitted, and is failing and omitting, to perform the duty of providing that each child of his, or in his care or employment, between the ages aforesaid, is attending some school, or otherwise being under efficient elementary instruction, and it shall be the duty of such officer to notify, person-

ally or by letter, or otherwise, such parent or other person of his neglect or violation of duty, and the consequences thereof.*

* “6. No proceeding against any parent or other person for any neglect or violation on his part of the requirements of this Act shall be taken until after the expiration of fourteen days from the time in which he has been so notified, nor until such parent or other person has had an opportunity of attending a meeting of the School Board or a committee thereof, or of the trustees, to state his or her reasons for not complying with such notice; but if such parent or other person should, on being so notified, either fail to appear or to satisfy the School Board, or committee, or trustees, that this neglect or violation of duty has arisen from any of the grounds on which he would be excused, it shall be the duty of the Public School Board, or trustees, through their said officer, to make complaint of such neglect or violation of duty to the Police Magistrate or a Justice of the Peace, having jurisdiction under the Act respecting Summary Convictions before Justices of the Peace, and such Police Magistrate and Justice shall possess and exercise all the powers conferred by the [two hundred and eleventh] section of this [Public Schools] Act.*

* “7. With respect to proceedings for any offence or penalty under the provisions of this Act, where a child is apparently of the age alleged, for the purposes of such proceeding it shall lie with the defendant to prove that the child is not of such age.” 44 Vic. c. 30, ss. 1-7.*

Duties of the
Public School
Board.

210. It shall be the duty of the trustees of every Rural School section and of the Public School Board of every City, Town, incorporated Village and divisions respectively, and they are hereby authorized—

Sub-sections 1 and 2 are repealed by Acts of 1880 and 1881.

Impose a rate
bill, or make
complaint to
magistrate.

[3. To impose upon said parents or guardians who, after having been so notified, continue to neglect or violate the said provisions of this Act, a rate bill not exceeding one dollar per month for each of their children not attending school, or to make complaint of such neglect or violation to a Justice of the Peace having jurisdiction in such cases, as provided by this Act, and to deliver to said Justice a statement of the names and residences of the parents or guardians of such children, unless from the circumstances of the case the Board is satisfied that such neglect or violation has not been wilful, or has been caused by extreme poverty, ill-health, or too great a distance from any school.]

Penalty for
non-attend-
ance at some
school.

211. It shall be competent for the Police Magistrate of any City or Town, and for any Justice of the Peace in any Village, Township or Town where there is no Police Magistrate, to

investigate and decide upon any complaint made by the trustees, or any person authorized by them, against any parent or guardian for the violation of the provisions of this Act, in regard to compulsory education, and to impose a fine not exceeding five dollars for the first wilful offence, and double that penalty for every subsequent offence; which fine and penalty shall be enforced as provided in the [two hundred and fiftieth] section of this Act.

2. The Police Magistrate or Justice shall not be bound to, but may, in his discretion, forego the issue of the warrant for the imprisonment of the offender, as in said section is provided.

[212. It shall be the duty of the Police Magistrate, or any Justice of the Peace where there is no Police Magistrate, to ascertain, as far as may be, the circumstances of any party complained of for not sending his children to some school, or otherwise educating him or them, and whether the alleged violation has been wilful, or has been caused by extreme poverty, or ill-health, or too great a distance from any school; and in any of the latter cases, the Magistrate shall not award punishment, but shall report the circumstances to the trustees of the school section or other school division in which the offence has occurred.] Further discretion of magistrate to enforce penalty.

PART XV.

LEGISLATIVE SCHOOL GRANT.

213. The Legislative school grant, together with at least an equal sum raised annually by local assessment, shall constitute and be called the Public School Fund of the County, Township, City, Town or Village. Public School Fund defined.

214. No part of the salaries of the Inspectors, nor of any other persons (except teachers employed), or of any expenses incurred in the execution of this Act, shall be paid out of the said Public School Fund, but such fund shall wholly, and without diminution, be expended in the payment of teachers' salaries. For teachers' salaries only.

215. No County, City, Town or Village shall be entitled to a share of the legislative school grant without raising by assessment a sum at least equal (clear of all charges for collection) to the share of the said school grant apportioned to it. Conditions of receiving share of grant.

216. Should the Municipal Corporation of any County, City, Town or Village, raise in any one year a less sum than that apportioned to it out of the Legislative School Grant, the Deduction if equivalent not raised by the municipality.

Minister of Education shall deduct a sum equal to the deficiency from the apportionment to such County, City, Town or Village, in the following year.

Grant payable on the first of July in each year.

217. The sum of money annually apportioned by the Minister of Education to every County, Township, City, Town or Village, in aid of Public Schools therein respectively, shall be payable by the Provincial Treasurer on or before the first day of July in every year to the Treasurer of every County, City, Town and Village in such way as the Lieutenant-Governor from time to time directs.

PART XVI.

PROHIBITIONS AND PENALTIES.

I. PROVISIONS AFFECTING MUNICIPALITIES AND MUNICIPAL OFFICERS.

(1.) *Personal Responsibility of Members of Municipal Councils in Investing Moneys.*

Liability of members of corporation investing money otherwise than authorized by this Act or Rev. Stat. c. 28, s. 7.

218. No member of any Municipal Corporation shall take part in, or in any way be a party to the investment of, any of the moneys which are mentioned in the ninety-third and ninety-fourth sections of this Act, by or on behalf of the corporation of which he is a member, otherwise than as is authorized by those sections, or by the seventh section of *The Act respecting the Clergy Reserves*, or by any other law in that behalf made and provided.

2. Any such person so doing shall be held personally liable for any loss sustained by such corporation.

(2.) *Responsibility of Municipalities to Her Majesty.*

Municipality responsible on default of Treasurer, etc.

219. Every County, City and Town withdrawn from the jurisdiction of the County within which it is situated, shall be responsible to Her Majesty, and to all other parties interested, that all moneys coming into the hands of the Treasurer of the County, City or Town, in virtue of his office, shall be by him duly paid over and accounted for, according to law.

(3.) *Treasurer and Sureties responsible to the Municipality.*

Treasurer, etc. responsible to county, etc.

220. The Treasurer and his sureties shall be responsible and accountable for such moneys in like manner to the County, City or Town, and any bond or security given by them for the

duly accounting for and paying over moneys coming into his hands, belonging to the County, City or Town, shall be taken to apply to all such moneys as are mentioned in the two hundred and thirteenth and four following sections of this Act, and may be enforced against the Treasurer or his sureties, in case of default on his part.

221. The bond of the Treasurer and his sureties shall apply to school moneys, and all public moneys of the Province, and, in case of any default, Her Majesty may enforce the responsibility of the County, City or Town, either by stopping a like amount out of any public moneys payable to the County, City or Town, or to the Treasurer thereof, or by suit or action against the corporation.

Bonds to apply
to school
moneys, etc.

(4.) *Parties Aggrieved may recover from Municipality.*

222. Any person aggrieved by the default of the Municipal Treasurer may recover from the corporation of any City, County or Town, the amount due or payable to such person as money had and received to his use.

City, etc.,
responsible
for default of
treasurer, etc.

(5.) *Actions against persons acting under Municipal By-Laws to be brought against Municipality.*

223. Trustees shall not be liable to any prosecution, or the payment of any damages, for acting under any by-law of a Municipal Council before it has been quashed.

Trustees act-
ing under by-
laws not liable.

2. In case a by-law, order or resolution of a Municipal Council is illegal, in whole or in part, and in case anything has been done under it, which by reason of the illegality gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring such action has been given to the Corporation.

3. Every such action shall be brought against the Municipal Corporation alone, and not against any person acting under the by-law, order or resolution.

(6.) *Township Clerk to provide School Map of Township.*

224. If any Township Clerk neglects or refuses to prepare and furnish the map of the school sections or other divisions of his municipality, as required by the one hundred and eighth section of this Act, he shall be liable to a penalty not exceeding ten dollars to be recovered before a Justice of the Peace, for the school purposes of his municipality, at the instance of any ratepayer thereof.

School map,
penalty on
Township
Clerk.

II. PROVISIONS AFFECTING PUBLIC SCHOOL TRUSTEES AND OFFICERS.

(1.) *Contracts by Trustees with the School Corporation.*

Certain contracts between trustees unlawful.

225. No Public School trustee shall enter into a contract with the corporation of which he is a member, or have any pecuniary claim on, or receive recompense from, such corporation, except for a school site, [or as collector of school rates, and in the latter case only when he has been appointed, and the warrant to him as collector has been signed by the other two members of the corporation, and the seal of the corporation has been attached to the same.]

* **225a.** *Section 13* (1881). "No Public or High School trustee shall enter into any contract, agreement, engagement or promise of any kind, either in his own name, or in the name of another, and either alone or jointly with another, or in which he has any pecuniary interest, profit, or promised or expected benefit, with the corporation of which he is a member, or have any pecuniary claim upon or receive compensation from such corporation for any work, engagement, employment, or duty on behalf of such corporation, and every such contract, agreement, engagement or promise shall be null and void, and such trustee shall also *ipso facto* vacate his seat, and a majority of the other trustees may declare the same accordingly." 44 V. c. 30, s. 13.*

(2.) *Trustees, etc., not to hold certain offices.*

Trustees not to hold certain offices.

226. No trustee of a school section shall hold the office of Public School Inspector, or be a teacher, within the section of which he is a trustee; nor shall the master or teacher of any Public, High, or Separate School hold the office of trustee, nor shall an Inspector be a teacher or trustee of any Public, High or Separate School while he holds the office of Inspector.

No inspector, trustee, teacher, etc., shall act as agent for the sale of books, maps, etc.

227. No teacher, trustee, Inspector, or other person officially connected with the Education Department, the Normal, Model, Public, or High Schools or Collegiate Institutes, shall become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons, of any school, library, prize or text-book, map, chart, school apparatus, furniture or stationery, or to receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale in any way whatsoever.

(3.) *Responsibility of Trustees for School Moneys.*

Trustees personally responsible for moneys lost.

228. The trustees of every school section shall be personally responsible for the amount of any school moneys forfeited by or lost to the school section in consequence of the neglect of duty of the trustees during their continuance in office.

2. The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act.

229. If any trustees of any school section refuse or neglect to take proper security from the secretary-treasurer, or other party to whom they entrust school moneys, they shall be held personally responsible for the moneys, as provided by this Act.

230. If any part of the Public School Fund or moneys is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them by the party entitled to receive the same, by action at law in any court having jurisdiction to the amount, or by information at the suit of the Crown.

Certain parties personally responsible in case of lost school moneys.

(4.) *Secretary-Treasurer and Trustees to account for moneys, etc.*

231. No secretary-treasurer appointed by the school trustees of any school section or division, and no person having been such secretary-treasurer, and no trustee or other person who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, shall wrongfully withhold, or neglect or refuse to deliver up, or to account for, and pay over the same or any part thereof to the person, and in the manner directed by a majority of the school trustees for the school section then in office, or by other competent authority; and such withholding, neglect or refusal to deliver up or account for, shall be punishable, as provided in the three following sections of this Act.

Penalty on secretary-treasurer or trustee for refusing to account.

232. Upon application to the Judge of the County Court, by a majority of the trustees, or any two ratepayers in a school section or division, supported by their affidavit made before some Justice of the Peace, of such wrongful withholding or refusal, the judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person, do appear before him at a time and place to be appointed in the order.

Mode of proceeding in the case.

2. Any bailiff of a Division Court, upon being required by the Judge, shall serve the order personally on the party complained against, or leave the same with a grown-up person at his residence.

233. At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, Judge to issue order.

ner, and whether the party complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded, the Judge shall order the party complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys as aforesaid by a certain day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may tax.

Effect of non-compliance with Judge's order.

234. In the event of a non-compliance with the terms specified in such order, or any or either of them, the Judge shall order the said party to be forthwith arrested by the Sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain without bail until the Judge be satisfied that the party has delivered up, accounted for, or paid over the books, papers, chattels or moneys in question, in the manner directed by the majority of the trustees, or other competent authority, as aforesaid; upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly.

Other remedy not affected.

235. No such proceeding shall impair or affect any other remedy which the said trustees, or other competent authority, may have against the secretary-treasurer, or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid.

(5.) *Refusal of Trustee to serve or exercise Corporate Powers.*

Penalty for refusing to serve as trustee.

236. If any person chosen as trustee refuses to serve he shall forfeit the sum of five dollars.

Penalty for refusing to perform duties.

237. Every person so chosen who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall forfeit the sum of twenty dollars, to be sued for and recovered before a Justice of the Peace, by the trustees of the school section or division, or by any two ratepayers, for its use, as authorized by this Act.

Penalty for refusing to exercise corporate powers.

238. If the trustees of any Public School wilfully neglect or refuse to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them, any trustee or trustees so neglecting or refusing to exercise such powers shall be held to be personally responsible for the fulfilment of such contract or agreement.

(6.) *Refusal to account to School Auditors.*

Penalty on trustees refusing information, etc., to auditor.

239. The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of a Rural School section, or either of them, with any papers or information in their power, and which may be required of

them relative to their school accounts, and any contravention of this section upon prosecution therefor by either of the auditors, or any ratepayer, shall be punished by fine or imprisonment, as provided by this Act.

(7.) *Neglect to send half-yearly returns to Inspector.*

240. In case the trustees of any Rural School section neglect to transmit to the County Inspector, on or before the thirtieth day of June, and the thirty-first day of December in every year, a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceding, then the school section shall not be entitled to the apportionment from the school fund for the said six months.

Penalty for neglecting to send half-yearly returns.

2. The trustees so neglecting shall be personally responsible for the amount of the loss of such apportionment.

(8.) *Neglect to send Annual Report to Inspector.*

241. In case the trustees of any school section neglect to prepare and forward the aforesaid annual report to their County Inspector by the thirty-first day of [January] *December* in every year, each of them shall, for every week after such thirty-first day of [January,] *December* and until such report has been prepared and presented, forfeit the sum of five dollars, to be sued for by the County Inspector, and collected and applied in the manner provided for by this Act.

Penalty for delaying yearly report.

(9.) *Penalty for False Report and Registers.*

242. If any trustee of a Public School knowingly signs a false report, or if any teacher of a Public School keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, the trustee or teacher shall, for every offence, forfeit to the Public School Fund of the Township the sum of twenty dollars, for which any person whatever may prosecute him before a Justice of the Peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor.

Penalty for false school reports and registers.

2. If, upon conviction, the penalty is not forthwith paid, the same shall, under the warrant of the Justice, be levied with costs by distress and sale of the goods and chattels of the offender.

Recovery by distress.

3. The penalty, when so paid or collected, shall by the Justice be paid over to the said Public School Fund.

Application of penalty.

(10.) *Refusal to deliver up School Property.*

Refusal to
deliver key
or register.

243. Any teacher who refuses to deliver up the school house key or register shall be punished, as provided in the sixth clause of the one hundred and sixty-third section of this Act.

III. MISCELLANEOUS.

(1.) *False Declaration of Right to Vote at School Meetings.*

Penalty for
making a false
declaration.

244. No person shall wilfully make a false declaration of his right to vote at any school meeting or election of school trustees; and any person convicted of a contravention of this section, upon the complaint of any person, shall be punishable by fine or imprisonment, at the discretion of the Court of General Sessions, or by a penalty of not less than five dollars, or more than ten dollars, to be sued for and recovered with costs before a Justice of the Peace, by the Public School trustees of the City, Town, Village, school section, or other division, for its use.

(2.) *Misconduct of Returning Officers, etc., at School Trustee Elections.*

Penalty on
returning or
deputy return-
ing officer for
wrong doing.

245. If any Returning Officer or Deputy Returning Officer at any election of a Public School Trustee in a City, Town, or incorporated Village, is convicted before the County Judge of disregarding the requirements of the law, or acting partially in the execution of his office, he shall be fined a sum of not less than twenty dollars or more than one hundred dollars, at the discretion of the County Judge.

(3.) *Chairman to send Report of School Meetings to Inspector.*

Penalty on
chairman for
neglect.

246. Any chairman who neglects to transmit to the County Inspector a copy of the proceedings of an annual or other rural school section meeting over which he has presided, within ten days after the holding of such meeting, shall be liable, on the complaint of any ratepayer, to a fine of not more than five dollars, to be recovered as provided by this Act.

(4.) *Failure of Trustee Elect to make Declaration of Office.*

Fine for de-
fault or in case
of neglect to
make declara-
tion.

247. If any person elected as trustee of a rural school section does not make the declaration of office within two weeks after notice of his election, his neglect to do so shall be sufficient evidence of his refusing to serve, and of his liability to pay the fine of five dollars, as provided for in the two hundred and thirty-sixth section of this Act.

(5.) *Neglect to give Notice of School Meetings.*

248. In case any annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice, shall forfeit the sum of five dollars, to be sued for and recovered before a Justice of the Peace, by any resident inhabitant in the rural school section, for the use thereof, as provided by this Act.

Penalty for not calling certain school meetings.

(6.) *Disturbing a Public School or School Meeting.*

249. Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting authorized to be held by this Act, or any one who wilfully interrupts or disquiets any Public School established and conducted under its authority, or other school, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the school, shall, for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for Public School purposes to the school section, City, Town, or Village within which the offence was committed, a sum not exceeding twenty dollars, together with the costs of the conviction, as the said Justice may think fit.

Penalty for disturbing a school or school meeting.

IV. HOW FINES AND PENALTIES MAY BE RECOVERED.

250. Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceedings, may be sued for, recovered, and enforced, with costs, by and before any Justice of the Peace having jurisdiction within the school section, City, Town, or Village in which such fine or penalty has been incurred.

How penalties under this Act shall be recoverable.

2. If the fine or penalty and costs are not forthwith paid, the same shall, by and under the warrant of the convicting Justice, be enforced, levied and collected with costs, by distress and sale of the goods and chattels of the offender, and shall be by the Justice paid over to the school treasurer of the school section, City, Town, or Village, or other party entitled thereto.

3. In default of such distress, the Justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same, are sooner paid.

SCHEDULE.

(Section [78,] sub-section [10.])

FORM OF TOWNSHIP DEBENTURE.

PROVINCE OF ONTARIO.

\$

No.

Debenture of the Township of , *County of* , *for School Loan.*

The Corporation of the Township of hereby promise to pay to Bearer, at the Bank of , at , the sum of dollars, lawful money of Canada, year from the date hereof ; and to pay interest at the rate of per cent. per annum, half-yearly, to the Bearer of the annexed coupons respectively, upon the presentation thereof at the said Bank.

Issued at , this day of , 18 , by virtue and under the authority of [chapter two hundred and four of *The Revised Statutes*] of Ontario, and pursuant to By-law No. of said Township of , passed on the day of , A.D. 18 , intituled "A By-law to raise by way of loan the sum of dollars for the purposes therein mentioned" (*or as the case may be*).

A. B., *Reeve.*C. D., *Treasurer.*

COUPON, No.

The Corporation of the Township of will pay the Bearer at the Bank of , at , on the day of , the sum of dollars, interest due on that day on Debenture No. C. D., *Treasurer.*

An Act to consolidate the Acts respecting High Schools.

CONTENTS.

CHAP. 205.—Revised Statute respecting High Schools.

42 Vic. CHAP. 34 (1879).—Public, Separate and High Schools.

44 Vic. “ 30 (1881).—For further improving the School Law.

45 Vic. “ 30 (1882).—Amendments in the School Law.

NOTE.—(1) Each section of the Revised Statute is printed in the same text in this Bill and with the same number. (2) Amendments made therein by subsequent Acts are inserted within a *. (3) Any parts expressly repealed thereby are omitted, but with proper references thereto. (4) Such provisions as have been impliedly repealed or altered, or become obsolete, are printed within brackets.

PART I.—PRELIMINARY PROVISIONS, ss. 1, 2.

PART II.—ESTABLISHMENT OF HIGH SCHOOLS AND COLLEGIATE INSTITUTES, ss. 3-12.

PART III.—EXISTING UNIONS OF HIGH AND PUBLIC SCHOOLS, ss. 13-17.

PART IV.—DUTIES OF MUNICIPAL COUNCILS, ss. 18-28.

1.—Appointment of High School Trustees.

(1) *In Counties*, ss. 18-20.

(2) *In Cities*, s. 21.

(3) *In towns separated from the County*, s. 22.

(4) *In cases of agreement between a County and City or Town separated*, s. 23.

(5) *Miscellaneous provisions*, ss. 24-28.

2.—Assessments for High School purposes.

(1) *Obligatory*, ss. 29-31 ;

(2) *Discretionary*, s. 32 ;

(3) *Payment and Audit*, ss. 33-36.

PART V.—HIGH SCHOOL TRUSTEES AND THEIR DUTIES, ss. 24-28 & 37-40.

1.—*In General*, ss. 37-39.

2.—*In regard to Preparatory Schools or Classes*, s. 40.

PART VI.—HIGH SCHOOL MASTERS AND THEIR DUTIES, ss. 41-53.

PART VII.—GENERAL PROVISIONS.

1.—Terms and Vacations in High Schools, s. 54.

2.—Admission of Pupils, ss. 55-65.

3.—High School Sites and other property, ss. 66-73.

(1) *Property vested in Trustees*, s. 66.

(2) *Special cases*, ss. 67-73.

4.—High School Grants and their application, ss. 74-80.

(1) *Basis of Apportionment*, ss. 74-77.

(2) *Grant payable half-yearly*, s. 78.

(3) *Conditions of Payment*, ss. 79, 80.

5.—Military Instruction, s. 81.

6.—Meteorological Observations, ss. 82-84.

7.—Prohibitions and Penalties, ss. 85-87.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

PART I.

PRELIMINARY PROVISIONS.

Short title. **1.** This Act may be cited as "*The High Schools Act*."

Existing High
School organi-
zations con-
tinued.

2. All High School and Collegiate Institute divisions and districts, together with all elections and appointments to office, and all agreements, contracts, assessments, and rate-bills, heretofore duly made in relation to High Schools and Collegiate Institutes, existing at the passing of this Act, and all powers and duties connected therewith, shall continue in full force and effect, subject to the provisions of this Act.

PART II.

ESTABLISHMENT OF HIGH SCHOOLS AND COLLEGIATE INSTITUTES.

Name of each
County High
School.

3. There shall be a High School or High Schools or Collegiate Institute in every County and Union of Counties, to be distinguished by prefixing to the words High School or Collegiate Institute the name of the City, Town or Village within the limits of which the High School or Collegiate Institute is situate; but such High School or Collegiate Institute shall, nevertheless, be deemed to be one of the High Schools or Collegiate Institutes of the county, and within the municipal jurisdiction of the County Council.

R. S. O.,
c. 205, s. 4,
repealed.

*** 4.** *Section 8 (1882).* "Section four of the High Schools Act and sub-section two thereof are hereby repealed, and the terms and conditions on which existing Collegiate Institutes may be continued or discontinued shall be subject to and in accordance with the regulations of the Education Department at any time passed for the purpose, and approved by the Lieutenant-Governor in Council:

"(2) Any such regulations shall be laid before the Legislative Assembly within the first seven days of the session next after the Order in Council is made for its ratification or rejection, and no such order shall be operative unless, and until, the same has been ratified by resolution of the Legislative Assembly." 45 V. c. 30, s. 8.*

5. The place of holding any High School in any county or union of counties may be changed at the end of the then civil year by the Council of the County within which it is established, by a by-law or resolution passed for that purpose at or before the June session and approved of by the Lieutenant-Governor, on the report and recommendation of the Minister of Education.

Place of holding.

6. Every County Council, at or before its June session in any year, but not later, shall have authority, with the approval of the Lieutenant-Governor, on the report and recommendation of the Minister of Education, to decide upon the discontinuance, at the end of the civil year, of any existing High School in any part of the county within the jurisdiction of the said County Council.

Discontinuance of High School.

7. All High School Districts which were existing on the second day of March, one thousand eight hundred and seventy-seven, and arrangements connected therewith, shall continue until the County Council thinks fit to discontinue the same, and in the case of a County or Electoral District which at that time constituted a High School District, the same liability in reference to the High School or Collegiate Institute therein shall continue until otherwise determined by the County Council.

As to High School Districts.

8. Any County Council may, under the restrictions prescribed in the next succeeding section establish one or more additional High School in the County.

Additional High Schools.

9. No additional High School shall be established by a County Council in any County, except at or before its June session in any year and unless the High School Fund is sufficient to allow of an apportionment at the rate of not less than four hundred dollars per annum to be made to such additional High School, without diminishing the fund which was available for High Schools during the next preceding year.

Establishment of New High Schools—restriction.

10. Within the restriction prescribed in section nine, it shall be lawful for the Lieutenant-Governor, on the report and recommendation of the Minister of Education, to authorize the establishment of an additional High School in any County at the end of the then civil year.

Establishment at end of the year.

11. For all High School purposes every City and Town separated for municipal purposes from the County in which it is situated, shall be a County; and its Municipal Council shall be invested with all the High School powers possessed by County, City, or Town Councils.

Cities and towns separated to be counties for High School purposes.

13. In case of High Schools situated in a City or Town separated from the jurisdiction of a County Council, it shall

Power to county and city or towns

separated to
agree as to
High School.

be lawful for the County Council and the Council of the City or Town to agree upon the terms and conditions of union under which such High School will be constituted the High School of the County as well as of the City or Town, and in such case the corporate name and appointment of trustees shall be governed by the provisions applicable to a High School situate in a Town not withdrawn from the County; but all High School unions existing on the second day of March, one thousand eight hundred and seventy-seven, between parts of the County, City or Town separated shall continue until otherwise agreed upon by the Councils of the County and City or Town.

PART III.

UNIONS OF PUBLIC AND HIGH SCHOOLS.

(See also *Rev. Stat.* cap. 204, ss. 153-159.)

Case of union
of High and
Public School
trustees pro-
vided for.

13. All existing unions of High Schools (or Collegiate Institutes) and Public School Trustee Corporations shall constitute a joint Board, and shall, as long as the union exists, be a corporation, under the name of *The Board of Education for the City (Town or incorporated Village of* , or in School Section No. in the Township of , as the case may be).

Sec. 14 of
High School
Act amended.

* **14.** *Section 33 (1879). For section 14 of the High Schools Act read as follows:—*“Seven members of such Board shall form a quorum, and such Board shall have, possess, discharge and exercise in respect of Public School matters, all the rights, powers and duties of Public School Boards, and in respect of High School matters all the rights, powers and duties of High School Boards.” 42 V. c. 34, s. 33.*

Union may be
dissolved.

15. The union may be dissolved at the end of any year by resolution of a majority present at any lawful meeting of the said Board of Education called for that purpose.

Disposition of
School prop-
erty.

16. On the dissolution of such union the school property held or possessed by the Board of Education at the time shall be divided or applied to school purposes, as may be agreed upon by a majority of the Public School Trustees and of the High School (or Collegiate Institute) Trustees respectively present at meetings called for that purpose; or if they fail so to agree within the space of six months after such dissolution, then the division shall be made by the Municipal Council of the City, Town, or incorporated Village within the limits of which such Public and High Schools (or Collegiate Institute) are situated; and should the High School be situated in a school

By whom
made.

section or unincorporated Village, the division, in case of failure to agree as aforesaid, shall be made by the County Council.

17. No union of a Public School or department thereof with a High School or Collegiate Institute shall be hereafter made. No future unions.

PART IV.

DUTIES OF MUNICIPAL COUNCILS.

I. APPOINTMENT OF HIGH SCHOOL TRUSTEES.

(1) *In Counties.*

18. Every County Council shall from time to time, select and appoint three fit and proper persons as trustees of each High School or Collegiate Institute situated in a Town not separated from the County for municipal purposes, or in an incorporated Village. If school is in town or village County Council to appoint three trustees.

(2) The Council of the Town or incorporated Village, within the limits of which the High School or Collegiate Institute is situated, shall also from time to time, appoint three fit and proper persons as trustees of such High School, one of whom, in the order of their appointment in each case, shall annually retire from office on the Thirty-first day of January in every year. Town and Village Council to appoint three trustees.

19. The County Council may, from time to time, appoint and determine the continuance and succession in office, in the manner hereinafter provided, of six duly qualified persons as members of the High School Board of any High School established in an unincorporated village, with the sanction of the Lieutenant-Governor. County Council to appoint six trustees if school is in an unincorporated village.

20. The Council of every County, the Council of every Town not separated from the County for municipal purposes, and the Council of every incorporated Village, as the case may be, at their first meetings to be held after the first day of January in each year, shall each appoint one trustee to fill the vacancies caused by the annual retirement of two trustees of the High School or High Schools, or Collegiate Institute, within their jurisdiction. County, town and village to appoint trustees.

(2.) *In Cities.*

City to appoint six trustees.

21. The Council of every City shall, from time to time, appoint, in the manner provided by this Act, a Board of Trustees for the High School, or Collegiate Institute, within its jurisdiction, consisting of six fit and proper persons.

Restriction.

(2) When and so long as the only High School of the County is situated within a City, the Council of such County shall appoint one-half of the trustees of such High School.

(3.) *In Towns separated from Counties.*

Appointment of High School Trustees in towns separated.

22. If a County Council, in any year, raises by assessment an amount equal to the grant from the Legislative appropriation which may be made to a High School or Collegiate Institute, situated in a Town separated from the municipal jurisdiction of such Council, it shall be lawful for such Council to appoint, for the ensuing year, one-half of the trustees of the High School or Collegiate Institute.

Alternative condition.

(2) If the County Council does not raise such amount, then the whole of the trustees of such High School shall be appointed by the Municipal Council of the Town concerned.

(4.) *In cases of agreement between a County and City or separate Town.*

23. In cases where the County Council and the Council of the City or Town separated agree upon the terms and conditions of union under which the High School of such City or Town is constituted the High School of the County as well as of the City or Town, one-half of the trustees shall be appointed by the County Council. See 40 Vic. c. 16, s. 18 (4).

(5.) *Miscellaneous Provisions.*

Continuance in office.

24. The members of every High School, or Collegiate Institute Board in office at the time this Act comes into force, shall continue in office as such trustees, as herein provided (unless a vacancy occurs, for which provision is hereinafter made), and on the thirty-first day of January then next, and annually, on the thirty-first day of January in every year, two of the members of such Board, for the time being, shall retire from said Board in rotation, according to seniority in office.

Rotation.

Mode of filling vacancies.

25. Any occasional vacancy in a High School, or Collegiate Institute Board, arising from death, resignation, removal from the municipality, or otherwise, of a trustee, shall be filled up by the County, City, Town or Village Council, as the case may be.

(2) The person appointed to fill such occasional vacancy shall hold office only for the unexpired part of the term for

which the person whose place has become vacant was appointed to serve.

26. Except in the cases provided for in the second sub-section of the twenty-first section and the twenty-second section of this Act, the Council of every City and Town separated from the County for municipal purposes, at the last meeting to be held in the month of December in each year, shall appoint two trustees to fill the vacancies caused by the annual retirement of that number of trustees from the High School or Collegiate Institute Board (as amended by Act of 1881, sec. 14). City and town separated to appoint trustees.

* **26a.** *Section 14 (1881). "Section twenty-six of 'The High Schools Act' was amended by striking out the words 'first meeting to be held after the first day of January' in the fourth and fifth lines thereof, and substituting therefor the words, 'last meeting to be held in the month of December.'"* 44 V. c. 30, s. 14.*

27. Any retiring trustee of a High School may, with his own consent, be re-appointed to office by a Municipal Council. Retiring trustees.

28. All trustees for the time being shall hold office until their successors are appointed. Tenure of office.

II. ASSESSMENT FOR HIGH SCHOOL PURPOSES.

(1.) *Obligatory.*

29. A sum at least equal to the minimum amount payable from time to time by the Government to any High School out of the Legislative grant, shall be provided by the Municipal Council of every City or Town withdrawn from the jurisdiction of the County for any High School or Collegiate Institute situate in such City or Town, together with such other sums as may be required for the accommodation and support of such school, upon the application of the High School Board. Equivalent to grant.

* **29a.** *Section 29 (1879). "In any case where a High School Board may, by law, require the Municipal Council to raise or borrow a sum of money for the purchase of a school site, or the erection or purchase of any school-house or addition thereto, or other school accommodation, or for the purchase or erection of a teacher's residence, such Municipal Council may refuse to raise or borrow any such sum when it is so resolved by a two-thirds vote of the members present at the meeting of the Council, for considering any by-law in that behalf.* Municipal Council may refuse to raise money for purchase of school site, etc.

"(2) When the Municipal Council, by a two-thirds vote, refuse to raise or borrow the sum proposed, then such ques- School Board may require question to be

submitted to
electors.

tion shall be submitted by the Municipal Council, if requested by the High School Board, to the vote of the electors of the Municipality in the manner provided by the Municipal Act for the creating of debts, and in the event of the assent of the municipal electors being thereby obtained, then it shall be the duty of such Council to raise or borrow such sum.

Debentures.

“(4) Any debenture for any loan of money for school purposes may be for such term of years, not exceeding twenty, as the Municipal Council may think fit, and the Municipal Council may also in its discretion make the principal of such debt repayable by annual or other instalments, in the manner provided by the three hundred and thirty-second section of the Municipal Act.” 42 V. c. 34, s. 29.

Application of
42 Vic. c. 34,
s. 29.
Certain minor
expenses do
not require
previous sanc-
tion of rate-
payers.

* 29b. *Section 6, (1880).* “Such provisions shall be construed not to apply to school furniture and appliances, ordinary repairs, fencing, sheds, offices, or the like objects.” 43 V. c. 32, s. 6.

Sec. 30 of R.
S. O., c. 205,
amended.

* 30. *Section 32 (1879).* *The thirtieth section of the High Schools Act was amended so as to read as follows:—* “In the case of every High School or Collegiate Institute in a Town not withdrawn from the County, or in an incorporated Village or Township, an amount equal to the amount paid by the Government shall be paid by the Municipal Council of the County in which such High School or Collegiate Institute is situated, upon the application of the High School Board; and in cases where two or more Municipalities or portions thereof, within the County, have heretofore been formed into and continue to constitute one High School District, or in cases where two or more such minor Municipalities, or portions thereof within the same County, hereafter agree to form and constitute themselves into a High School District, then such other sums as may be required for the maintenance of the said High School to the amount at least of the grant received from the Legislative appropriation, and also for school accommodation, shall be raised by the Council of the Municipality in which the High School or Collegiate Institute is situate, upon the application of the High School Board; and in cases where two or more Municipalities or portions thereof, within the County, have heretofore been formed into and continue to constitute one High School District, or in cases where two or more such minor Municipalities, or portions thereof within the same County, hereafter agree to form and constitute themselves into a High School District, then such other sums as may be required for the maintenance of the said High School to the amount at least of the grant from the Legislative appropriation and also for school accommodation of the said High School, shall be provided by such High School District upon the application of the High School Board, and such sums shall be raised in the manner provided in the next following section of this Act, but nothing in this section shall be construed to affect any existing suit, or to prevent the County Council from discontinuing any High School District hereto-

fore formed by it, and any by-law of the Council of a minor Municipality for uniting any portion of it to another Municipality within the same County for High School purposes shall be deemed the agreement of such portion, and shall be passed by such council if petitioned for by two-thirds in number of all the tax payers of such portion; 37 V. c. 27, s. 45; 40 V. c. 16, s. 18 (6)." 42 V. c. 34, s. 32.*

31. The Council of any Municipality, or the Councils of the respective Municipalities which may be liable therefor, shall upon the application of the High School Board, raise the proportion required to be paid by such Municipality or part of the Municipality, from the whole or part of the Municipality, as the case may be; and the County Council may constitute a County or Electoral District a separate District for High School purposes, in order that it may contribute to the support of one or more High Schools or Collegiate Institutes therein, as the Council may determine for such purpose, and in such amount separately from any other County or Electoral District under the jurisdiction of such County Council. Manner.

* **31a.** *Section 1 (1878). Adds to the High Schools Act* R. S., c. 205,
as section thirty-one (a) the following: amended.

31. (a.) "In the case of a Union of Counties, the County Council, upon a written requisition of a majority of the reeves and deputy reeves of any one County of such union, shall constitute such County a separate County for High School purposes; in which case such County shall contribute only to the support of one or more High Schools which may be established therein, and in such amount separately from any other County within the jurisdiction of the County Council; and upon the like requisition the County Council shall pass the requisite by-law for abolishing existing High School Districts within such county, and upon the like requisition shall otherwise deal with all matters relating to the High Schools therein." Separating a county from union for High School purposes.
41 V. c. 15, s. 1.*

(2.) *Discretionary.*

32. The Council of every County, City, and Town separated from the County for municipal purposes, may pass by-laws for the following purposes:—

1. For making provision by local assessment, in addition to that required to be made by this Act, for procuring sites for High Schools, for renting, building, repairing, furnishing, warming, and keeping in order High School houses and their appendages, grounds and enclosures. Aiding High Schools.

2. For obtaining within the County, or in any City or Town separated from the County, as the wants of the people may Lands for High Schools.

most require, the real property requisite for erecting High School houses thereon, and for other High School purposes, and for preserving, improving, and repairing such High School houses, and for disposing of such property when no longer required.

Additional provision.

3. For making provision (additional to that required to be made by this Act) in aid of such High Schools, as may be deemed expedient by the Council.

Pupils competing for University prizes.

4. For making a permanent provision for defraying the expenses of the attendance at the University of Toronto, and at the Upper Canada College and Royal Grammar School there, of such of the pupils of the High Schools or Collegiate Institutes of the County as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such High Schools or Collegiate Institutes possess competent attainments for, competing for any scholarship, exhibition, or other similar prize, offered by such University or College.

Attendance at High School.

5. For making similar provision for the attendance at any High School or Collegiate Institutes, for like purposes, of pupils of the Public Schools of the Municipality. (*See also Rev. Stat., cap. 174, sec. 465 (8).*)

Endowing fellowships, etc.

6. For endowing such fellowships, scholarships, or exhibitions, and other similar prizes in the University of Toronto, and in the Upper Canada College and Royal Grammar School there, for competition among the pupils of the High Schools of the county, as the Council deems expedient for the encouragement of learning amongst the youth thereof.

(3.) *Payment to Treasurer.—Audit.*

Moneys to be paid to treasurer.

33. All moneys raised in any Municipality or High School District, by local assessment, subscription, fees or otherwise, under the authority of this Act, shall be paid over to the High School Treasurer in such Municipality or District.

On or before fourteenth December.

34. All local assessments and subscriptions for the support of High Schools or Collegiate Institutes shall be payable on or before the fourteenth day of December in every year.

Audit of High School Treasurer's accounts.

35. The Treasurer of every High School Board shall give security to the Board appointing him for the due and faithful performance of his duties, and shall submit his accounts to the Municipal Auditors to be audited by them in the same manner as the Municipal Treasurer's accounts are audited.

Auditor to audit treasurer's accounts.

36. It shall be the duty of the Municipal Auditors to audit such accounts of the Treasurer.

PART V.

DUTIES OF HIGH SCHOOL TRUSTEES.

I. DUTIES GENERALLY.

37. The Trustees of every High School, or Collegiate Institute, shall be a corporation, by the name of "The High School (or Collegiate Institute) Board," prefixing to the term "High School," or "Collegiate Institute," the name of the City, Town or incorporated Village, within which such High School or Collegiate Institute is situated, and shall have and possess all the powers usually enjoyed by corporations, so far as the same are necessary for carrying out the purposes of this Act.

High School trustees to be a corporation. — Powers.

38. The High School or Collegiate Institute Board of any district formed by the County Council shall possess all the powers within the said District for the support and management of the High School or Institute, and in respect to the County Council, as are possessed under this Act by High School Boards generally in respect to the support and management of the High Schools under their care.

Powers of Boards.

39. It shall be the duty of the Trustees of every High School or Collegiate Institute Board (three of whom shall form a quorum for the transaction of business) —

Duties of the Board of High School trustees.

1. To meet annually at or near the place where each school under their charge is held, on the first Wednesday in February in each year.

To meet annually.

2. To appoint annually, or oftener, from amongst themselves, a Chairman of the Board.

To appoint Chairman, etc.

**2a. Section 2 (1878).* "At the first meeting in each year of every High School or Collegiate Institute Board, and of every Board of Education, at which the election of chairman is appointed to take place, the Secretary of such Board shall preside, or if there be no Secretary, the members present shall select one of themselves to preside at the election of chairman, and the member so selected to preside may vote as a member.

President at first meeting of School Boards, etc., for election of chairman.

2b. Section 3 (1878). "In case of an equality of votes at the election of chairman of any such Board, the member who is assessed as a ratepayer for the largest sum on the last revised Assessment Roll shall have a second or casting vote, in addition to his vote as a member." 41 V. c. 15, ss. 2, 3.*

Equality of votes on the election of chairman.

- Casting vote. *2c. *Section 34* (1879). "In any case of a High School Board where there shall be a tie amongst the members present at any meeting thereof, the Chairman shall, in addition to his own vote, possess a second or casting vote." 42 V. c. 34, s. 34.*
- To fix meetings of the Board. 3. To fix the times and places of the Board meetings, the mode of calling and conducting them, and of keeping a full and correct account of the proceedings of such meetings.
- To take charge of County High School. 4. To take charge of the High School or Collegiate Institute for which they have been appointed trustees, and the buildings and land appertaining to it.
- To erect, repair, and furnish schools, etc. 5. To do whatsoever they may deem expedient with regard to erecting, repairing, warming, furnishing, and keeping in order the buildings of such High School or Collegiate Institute and its appendages, lands, and enclosures belonging thereto.
- To apply to Councils for sums for maintenance, 6. To apply (as the case may be) to the Municipal Council of the city, or of the town separated from the County for Municipal purposes, for such sum or sums as said Board may require for the support, management, and school accommodation, and other necessary expenses of their High School or Collegiate Institute, and as said Council is required by this Act to raise by local assessment for these purposes.
- and equivalent to Legislative grant. 7. To apply to the Council of the Municipality, or Councils of the respective Municipalities, liable for such sums as are authorized by the thirtieth section of this Act.
- To apply to Councils to supply additional funds. 8. To apply to the Councils of the Municipalities mentioned in the [thirty-second] section of this Act, for any additional moneys which said Councils may raise for High School or Collegiate Institute purposes, under the authority of this Act.
- To collect fees. 9. To settle the amount to be paid by parents and guardians for each pupil attending the School or Institute, and to fix the times of payment, and apply the moneys received therefor as they may judge expedient towards making up the salaries of teachers, providing the proper apparatus, maps, text, library and prize books, daily and general entrance registers, and defraying any other necessary expenses of the School or Institute; and they may sue for and recover such amounts, and, when collected, the same shall be paid over to the treasurer of the said High School or Collegiate Institute Board.
- To give orders on treasurer for salaries and expenses. 10. To give the necessary orders upon the Municipal Treasurer for the amount of public money to which the High School or Collegiate Institute is entitled, and upon their own treasurer for any moneys in his hands, for the payment of the salaries of the masters, teachers, and other officers and servants of the High School or Collegiate Institute, and of any other necessary expenses.

11. To remove, if they see fit, and, in case of vacancies, appoint a legally qualified master and other teachers, of competent ability and good morals, in the High School or Collegiate Institute, and to fix their salaries and prescribe their duties.

To appoint and remove masters, teachers,

12. To appoint such other officers and servants in the High School or Collegiate Institute as they may judge expedient, and fix their remuneration.

officers and servants.

13. To make provision for giving to both male and female pupils in their High School or Collegiate Institute, by legally qualified teachers of competent ability and good morals, instruction in all the higher branches of a practical English and commercial education, including the natural sciences, with special reference to agriculture, the elements of mathematics, natural philosophy and mechanics, and also for giving instruction in the Latin, Greek, French, and German languages (to those pupils whose parents or guardians may desire it), so far as to prepare students for University College, or any college affiliated to the University of Toronto, according to a programme of studies, general rules and regulations, which shall be prescribed from time to time by the Department of Education, with the approval of the Lieutenant-Governor.

Give instruction in all the higher branches.

14. To see that their High School or Collegiate Institute is conducted according to the provisions of this Act, and of the general rules and regulations provided under its authority; that the pupils of the High School or Collegiate Institute are supplied with proper text-books; and that public half-yearly examinations of the pupils are held, and due notice given of them.

Conduct of School.

Text-books.

Examinations.

15. To prepare and transmit, before the fifteenth day of January, to the Minister of Education, an annual report, in accordance with a form of report which shall be provided by him for that purpose, and such report shall contain a full and accurate account of all matters appertaining to the School or Institute.

To make an annual report to Minister.

* 39a. Section 13 (1881). "No High School trustee shall enter into any contract, agreement, engagement or promise of any kind, either in his own name, or in the name of another, and either alone or jointly with another, or in which he has any pecuniary interest, profit, or promised or expected benefit, with the corporation of which he is a member, or have any pecuniary claim upon or receive compensation from such corporation for any work, engagement, employment, or duty on behalf of such corporation, and every such contract, agreement, engagement or promise shall be null and void, and such trustee shall also *ipso facto* vacate his seat, and a majority of the other trustees may declare the same accordingly." 44 Vic. c. 30, s. 13.*

II. PREPARATORY CLASSES OR SCHOOLS.

- Preparatory classes.** **40.** It shall be competent for the Board of Trustees of any High School or Collegiate Institute to establish a preparatory school, class, or classes, for the preparation of pupils for admission to such High School or Collegiate Institute.
- Proviso as to teaching.** **2.** No master or teacher employed in the High School or Collegiate Institute shall teach in such preparatory school, class, or classes.
- As to legislative grant.** **3.** No part of the Legislative grant or of the County assessment for High School or Collegiate Institute purposes shall be applied towards the expenses of the establishment, teaching or maintenance of such preparatory school, class, or classes.
- As to assessment.** **4.** No additional local assessment for High School or Collegiate Institute purposes shall be applied towards such expenses without the consent of the Council of the Municipality in which the High School or Collegiate Institute is situated.

PART VI.

HIGH SCHOOL MASTERS.

(1.) *Head Masters to be University Graduates.*

- Head Masters to be University graduates.** **41.** No person shall be deemed to be legally qualified to be appointed head master of a High School or Collegiate Institute unless he is a graduate in Arts of some University within the British Dominions, and furnishes satisfactory evidence to the Education Department of his knowledge of the science and art of teaching, and of the management and discipline of schools: but any person legally qualified and employed as head master in any High School or Collegiate Institute before the twenty-fourth day of March, 1874, shall be deemed qualified notwithstanding this section.

(2.) *Settlement of Disputes.*

- Settlement of disputes.** **42.** All matters of difference between trustees, masters and teachers of High School and Collegiate Institutes, in regard to salary or other remuneration, shall be brought and decided in the Division Court, by the Judge of the County Court, in each County.

2. Provided always, that the decision of any County Judge in such cases may be appealed from, as provided for in *The Act respecting the Education Department*. Rev. Stat. c. 203, ss. 7-17.

43. In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of the foregoing section, and not appealed from, execution may issue from time to time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. Division Court judgment may be enforced.

(3.) *Superannuation Allowance.*

44. Every teacher who, while engaged in his profession, contributes to the Superannuated Teachers' Fund, as provided by law, shall, on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of six dollars per annum for every year of such service in Upper Canada or Ontario, upon furnishing to the Education Department satisfactory evidence of good moral character, of his age, and of the length of his service as a Public or High School teacher in Upper Canada or Ontario. Right of teachers to retire.
Pension on reaching sixty years of age.
Condition of pension.

2. Such pension may be supplemented out of local funds by any Municipal Council or High School Board or Board of Education, at its pleasure. Supplementing pensions.

45. Every teacher under sixty years of age who has contributed as aforesaid and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and upon furnishing to the Department from time to time, in addition thereto, satisfactory evidence of his being disabled. Teachers under sixty.

46. Every teacher entitled to receive an allowance from the Superannuated Teachers' Fund, who holds a first-class or second-class Provincial certificate, or who is an authorized head master of a High School or Collegiate Institute shall, in addition to said allowance or pension, be entitled to receive a further allowance at the rate of one dollar per annum for every year of service while he held such certificate, or while he acted as head master of a High School or Collegiate Institute. \$1 per annum extra to certain teachers.

47. The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when required) to the satisfaction of the Education Department. Proviso in regard to good moral character.

Resuming
profession.

48. If any pensioned teacher, with the consent of the Department, resumes the profession of teaching, the payment of his allowance shall be suspended for the time of his being so engaged; and, in case of his again being placed by the Department on the superannuation list, a pension for the additional time of teaching shall be allowed him, on his compliance with the law and regulations.

Conditions to
entitle teach-
ers to share in
the fund.

49. No teacher shall be entitled to share in the said Fund unless he has contributed to such Fund the sum of four dollars or more per annum, for and during the period of his teaching school.

(4.) *Holidays and Vacations.—Cases of Sickness.*

Teacher en-
titled to salary
during holi-
days and
vacations.

50. Every master or teacher of a High School or Collegiate Institute shall be entitled to be paid his salary for the authorized holidays occurring during the period of his engagement with the trustees, and also for the vacations which follow immediately on the expiration of the school term during which he has served, or the term of his agreement with such trustees.

Case of sick-
ness.
Four weeks
allowed.

51. In case of sickness, certified by a medical man, he shall be entitled to his salary during such sickness for a period at the rate of not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees.

(5.) *Registers.*

Teachers'
general and
class register.

52. Every master of a High School or Collegiate Institute shall keep, in the prescribed form, general, entrance, and daily class registers, and he shall record therein the admission, promotion, removal, or otherwise, of the pupils in his school.

2. The said registers shall be provided at the expense of the school by the trustees thereof.

Masters and
teachers de-
fined.

Rev. Stat. cc.
204, 206, 203.

Interpreta-
tion.

53. In this Act, the words "legally qualified masters and teacher," and the words "legally qualified teachers," shall mean any persons (male or female) who possess first, second or third class certificates of qualification, or who, under this Act, or "The Public Schools Act," or "The Separate Schools Act," or "The Act respecting the Education Department," are legally qualified to act as such masters and teachers; but the said words shall not be held to apply to persons holding interim certificates from an Inspector, or certificates qualifying senior pupils, or other persons to act as monitors or assistants.

PART VII.

GENERAL PROVISIONS.

I. TERMS AND VACATIONS IN HIGH SCHOOLS.

54. The High Schools shall open on the seventh day of Terms. January, and close on the Thursday before Easter; they shall re-open on the first Tuesday after Easter, and close on the thirteenth day of July; they shall re-open on the first day of September, and close on the twenty-second day of December.

2. There shall be three vacations for High Schools in the year Vacations. —the Easter vacation shall extend from Good Friday to Easter Monday, inclusive; the Summer vacation shall begin on the fourteenth day of July, and end on the thirty-first day of August; and the Christmas vacation shall begin on the twenty-third day of December, and close on the sixth day of January; and the High School Boards are authorized to dismiss during the period when the intermediate examination is going on in such school, those pupils who are not engaged in the examinations.

II. PUPILS IN HIGH SCHOOLS.

(1.) *Admission of Pupils.*

55. [The County, City or Town Inspector of Public Schools, Board of Chairman of the Public and High School or Collegiate Institute Boards, and the head master of the High School or Collegiate Institute shall constitute a Board of Examiners for the admission of pupils to the High School or Collegiate Institute.] Examiners for the admission of pupils.

*** 55a. Section 31 (1879).** “In Cities and Towns *separated from the County* (45 V. c. 30, s. 7) the Inspector of Public Schools, and the head master of the High School or Collegiate Institute shall together constitute the Board of Examiners for the admission of pupils to the High School or Collegiate Institute, and the expenses of the examination shall hereafter be borne equally by the High and Public School Boards after deducting any fees imposed by the Education Department therefor [and sub-sections twenty-two and twenty-three of section one hundred and four of the Public Schools Act are hereby repealed, so far as inconsistent with the provisions of this section”]. 42 V. c. 34, s. 31. Board of Examiners for admission to High Schools.

55b. Section 7 (1882). “And in all other cases of High Board of Schools or Collegiate Institutes situated in Towns, Villages Examiners for admission to or Townships, the Board of Examiners for the admission of High Schools. pupils to the High Schools and Collegiate Institutes therein

respectively shall be constituted by the County Inspector of the district in which the High School is situate, the Public School Inspector of the Town (if any), the High School head master and the Chairmen of the High and Public School Trustees respectively; and the expenses of such examination, after deducting any fees authorized by regulations of the Education Department, are to be paid by the County Council according to the provisions in that behalf contained in the High Schools Act;

"(2.) The Chairman of the Separate School Trustees shall also be a member of the Board of Examiners in any City, Town, Village or Township in which the High School and Separate School are each situate." 45 V. c. 30, s. 7.*

Papers and instructions to be sent.

56. The papers of questions prepared for the uniform examination of pupils for admission to High Schools and Collegiate Institutes, by the Central Committee appointed by the Education Department (with the value assigned to each question, and with directions from the Minister of Education as to any further examinations which the Department may desire to be made *viva voce*), shall be transmitted by the Minister to the Inspector of Public Schools of the City (in case of a city), or of the County (in case of a county), or of a Town in the territorial limits of the County, *or to such other person as the Minister may appoint, with such directions as he may judge necessary. R. S. c. 203, s. 5, sub.-sec. 24.*

Provisional admission.

57. The local Board of Examiners shall have authority to admit provisionally any pupil who duly passes the required examination under the regulations prescribed by this Act, and directions given by the Minister.

Inspector's return to Minister.

58. The Inspector shall prepare a return (in a form to be provided for that purpose) with respect to every examination; and he shall forward the return, together with the answers of the pupils, to the Minister of Education within ten days after the examination, in order that the same may be considered and reported upon to the Minister by the Central Committee; and the Committee shall report thereon, and confirm, disallow, or cancel the admission of any pupil, or may require of any pupil further tests of proficiency in any subject of the prescribed programme of examination.

Central Committee.

Inspector may appoint a person to preside.

59. Where in any County or Union of Counties there is a Collegiate Institute, as well as a High School, or where there are in any County or Union of Counties more High Schools than one, or where from illness or other unavoidable cause the Public School Inspector is not able to attend in person, he may appoint another duly qualified person to act as presiding examiner in his place at the examination of candidates for admission to any High School or Collegiate Institute.

CHAPTER 206.

An Act respecting Separate Schools.

With the Amendments.

Short title, s. 1.	Union of wards or sections, ss. 22, 23.
Protestant and Coloured Separate Schools, ss. 1-19.	Powers of trustees, ss. 24-29.
Conditions of establishment of, ss. 2 (1), 7.	Children from other sections, s. 29.
Limits, s. 2 (2).	Certificates of teachers, s. 30.
Trustees, s. 3.	Supporters of, exempt from certain other rates, ss. 31-34.
Commencement, etc., s. 4.	Withdrawal from support of, s. 35.
Voters, s. 5.	Residence of supporters, s. 36.
Union of wards, s. 6.	Rights of Separate Schools as to grants, etc., ss. 37, 38.
Exemption from and right to certain rates and grants, ss. 8-11, 15.	Supporters not to vote at Common School elections, s. 39.
Certificate of teacher, s. 12.	Time for establishing Separate School limited, s. 40.
Periodical returns to Inspector, ss. 13, 14.	Returns by trustees, s. 41.
False returns, etc., s. 17.	Visitors, s. 42.
Powers of trustees, s. 18.	Inspection, s. 43.
Roman Catholic Separate Schools : Establishment of—election and power of trustees, ss. 19-21.	Settlement of disputes arising with trustees of, s. 44.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as “*The Separate Schools Act.*” Short title.

I. PROTESTANT AND COLOURED SEPARATE SCHOOLS.

(See Amendments, pages 151-4.)

2. Upon the application in writing of twelve or more heads of families resident in any Township, City, Town or incorporated Village, being Protestants, the Municipal Council of the said Township or the Board of School Trustees of any such City, Town or incorporated Village, shall authorize the establishment therein of one or more Separate Schools for Protestants ; and upon the application in writing of twelve or more heads of families resident in any Township, City, Town or incorporated Village, being coloured people, the Council of such Township or the Board of School Trustees of any such City, Town or incorporated Village, shall authorize the establishment therein of

Conditions on which separate schools for Protestants or coloured people may be established.

one or more Separate Schools for coloured people, and in every such case, such Council or Board, as the case may be, shall prescribe the limits of the section or sections of such schools.

Limits.

2. No person shall be deemed a supporter of any Separate School for coloured people, unless he resides within three miles in a direct line of the site of the school house for such Separate School; and any coloured child residing further than three miles in a direct line from the said school house, shall be allowed to attend the Public School of the section within the limits of which the said child resides.

Threetrustees.

Election same as in public schools.

Rev. Stat., c. 204.

3. There shall be three trustees for each Separate School, and the first meeting for the election of such trustees shall be held and conducted in the manner and according to the rules provided in "*The Public Schools Act*" for holding the first school meeting in a new school section.

Commencement and regulations.

4. Each such Separate School shall go into operation at the same time as is provided in the case of altered school sections of Public Schools, and shall, with respect to the persons for whom any school has been established, be under the same regulations as Public Schools generally.

Voters defined.

5. None but coloured people shall vote at the election of trustees of any Separate School established for coloured people, and none but the parties petitioning for the establishment of, or sending children to, a Protestant Separate School, shall vote at the election of trustees of such school.

Union of wards in cities and towns.

6. In any City or Town the persons who make application, according to the provisions of the second section of this Act, may have a Separate School in each ward, or in two or more wards united, as the said persons may judge expedient.

Special conditions.

7. No Protestant Separate School shall be allowed in any school section, except when the teacher of the Public School in such section is a Roman Catholic.

Exemption from public school rates.

8. In all Cities, Towns, incorporated Villages and Township Public School sections in which such Separate Schools exist, each Protestant or coloured person (as the case may be) sending children to any such school, or supporting the same by subscribing thereto annually an amount equal to the sum at which such person, if such Separate School did not exist, must have been rated in order to obtain the annual Legislative Public School Grant, shall be exempt from the payment of all rates imposed for the support of the Public Schools of such City, Town, incorporated Village and school section respectively, and of all rates imposed for the purpose of obtaining such Public School Grant.

9. The exemption from the payment of school rates, as herein provided, shall not extend beyond the period during which such persons send children to or subscribe as aforesaid for the support of such Separate School; nor shall such exemption extend to school rates or taxes imposed or to be imposed to pay for school houses, the erection of which was undertaken or entered into before the establishment of such Separate School.

Such exemption conditional.

10. Such Separate Schools shall not share in any school money raised by Local Municipal Assessment.

Not to share in municipal assessment.

11. Each such Separate School shall share in such Legislative Public School Grant according to the yearly average number of pupils attending such Separate School, as compared with the average number of pupils attending the Public Schools in each such City, Town, incorporated Village or Township; the mean attendance of pupils for winter and summer being taken.

Share of legislative school grant determined.

12. A certificate of qualification, signed by the majority of the trustees of such Separate School, shall be sufficient for any teacher of such school.

Certificate of teacher.

13. The trustees of each of such Separate School shall, on or before the thirtieth day of June and thirty-first day of December of each year, transmit to the County Inspector a correct return of the names of all Protestant or coloured persons (as the case may be) who have sent children to, or subscribed as aforesaid for the support of such Separate School during the then last preceding six months, and the names of the children sent, and the amounts subscribed by them respectively, together with the average attendance of pupils in such Separate School during such period.

Half-yearly returns to the Inspector.

14. The County Inspector shall, upon the receipt of such return, forthwith make a return to the clerk of the Municipality and to the trustees of the Public School section or Municipality in which such Separate School is established, stating the names of all the persons who, being Protestants or coloured persons (as the case may be), contribute or send children to such Separate School.

Inspector to report to clerk and trustees.

15. Except for any rate for building school-houses undertaken before the establishment of such Separate School, the Clerk shall not include in the Collector's roll for the general or other school rate, and the trustees or Board of Trustees shall not include in their school rolls, any person whose name appears upon such last mentioned return.

Clerks and trustees to exempt from rates supporters of Separate Schools.

16. The Clerk or other officer of the Municipality within which such Separate School is established, having possession of the Assessor's or Collector's roll of the said Municipality, shall

Clerk to allow use of assessor's roll.

allow any one of the said trustees, or their authorized collector, to make a copy of such roll as far as it relates to their school section.

Rev. Stat., c. 204, s. 242, to apply.

17. The provisions of the two hundred and forty-second section of "*The Public Schools Act*" shall apply to the trustees and teachers of such Separate Schools.

Separate School trustees to have same power as Public School trustees.

18. The trustees of each such Separate School shall be a body corporate under the name of "The Trustees of the Separate School of _____ (as the case may be), in the Township (City or Town, as the case may be) of _____," and shall have the same power to impose, levy and collect school rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of, the Separate School, as the trustees of a Public School section have to impose, levy and collect school rates or subscriptions from persons having property in the section, or sending children to or subscribing towards the support of the Public School of such section.

II. ROMAN CATHOLIC SEPARATE SCHOOLS.

(See Amendments, pages 151-4.)

Five heads of families being Roman Catholics may call a meeting for a separate school.

19. Any number of persons, not less than five, being heads of families, and freeholders or householders, resident within any school section of any Township, incorporated Village or Town, or within any ward of any City or Town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a Separate School for Roman Catholics, in such school section or ward, for the election of trustees for the management of the same.

Election of Separate School trustees ;

Qualification.

20. A majority of the persons present, being freeholders or householders, and being Roman Catholics, and not candidates for election as trustees, may, at such meeting, elect three persons resident within such section or an adjoining section to act as trustees for the management of such Separate School ; and any person, being a British subject, not less than twenty-one years of age, may be elected as a trustee, whether he be a freeholder or householder, or not.

Written notice of such meeting to be given, and to whom and in what manner.

21. Notice in writing that such meeting has been held and of such election of trustees, shall be given by the parties present at such meeting to the Reeve or head of the municipality, or to the Chairman of the Board of Public School Trustees, in the Township, incorporated Village, Town or City in which such school is about to be established, designating by their names, professions, and residences, the persons elected in the manner aforesaid, as trustees for the management thereof ; and every such notice shall be delivered to the proper officer by one of the trustees so elected, and it shall be the duty of the officer

receiving the same to endorse thereon the date of the receipt thereof, and to deliver a copy of the same so endorsed and duly certified by him to such trustee, and from the day of the delivery and receipt of every such notice, or in the event of the neglect or refusal of such officer to deliver a copy so endorsed and certified, then from the day of the delivery of such notice the trustees therein named shall be a body corporate, under the name of "The Trustees of the Roman Catholic Separate School for the section number , in the Township of , or for the ward of , in the City or Town (as the case may be), or for the Village of , in the County of ."

Corporate
name of trustees.

22. The trustees of Separate Schools heretofore elected, or hereafter to be elected according to the provisions of this Act, in the several wards of any City or Town, shall form one body corporate, under the title of "The Board of Trustees of the Roman Catholic Separate Schools for the City (or Town) of ."

Union of
wards in
towns or
cities.

23. It shall be lawful for the majority of the rate-paying supporters of the Separate Schools, in each Separate School section, whether the sections be in the same or adjoining Municipalities, at a public meeting duly called by the Separate School trustees of each such section, to form such sections into a Separate School union section, of which union of sections the trustees shall give notice within fifteen days to the Clerk or Clerks of the Municipality or Municipalities, and to the Minister of Education; and each such Separate School union section thus formed, shall be deemed one school section for all Roman Catholic Separate School purposes, and shall every year thereafter be represented by three trustees, to be elected as in Public School sections.

Notice for
union of
school sections,
for a
Separate
School.

Union formed.

2. And the said trustees shall form a body corporate, under the title of "The Board of Trustees of the Roman Catholic United Separate Schools for the United Sections Nos. (as the case may be) in the (as the case may be).

Corporate
name of trustees
for union.

24. The trustees of Separate Schools forming a body corporate under this Act, shall have the power to impose, levy and collect school rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of such schools, and shall have all the powers in respect of Separate Schools, that the trustees of Public Schools have and possess under the provisions of "*The Public Schools Act.*"

Powers of
trustees.

Rev. Stat. c.
204.

25. The Clerk or other officer of a Municipality within or adjoining which a Separate School is established, having possession of the Assessor's or Collector's roll of the said Municipality, shall allow any one of the said trustees or their

Trustees may
copy assessment
roll of
municipality.

authorized collector to make a copy of such roll in so far as it relates to the persons supporting the Separate School under their charge.

Declaration
by trustees of
Separate
Schools.

26. The trustees of Separate Schools shall take and subscribe the following declaration before any Justice of the Peace, Reeve or Chairman of the Board of Public Schools.

“I, _____, will truly and faithfully, to the best of my judgment and ability, discharge the duties of the office of School Trustee to which I have been elected.”

And they shall perform the same duties and be subject to the same penalties as trustees of Public Schools; and teachers of Separate Schools shall be liable to the same obligations and penalties as teachers of Public Schools.

Term of office
of trustees.

27. The trustees of Separate Schools shall remain respectively in office for the same periods of time that the trustees for Public Schools do, and as is provided by the forty-ninth section of “*The Public Schools Act*,” but no trustee shall be re-elected without his consent, unless after the expiration of four years from the time he went out of office.

Rev. Stat.
c. 204, s. 49.

Proviso:
in case of
united boards
in cities and
towns.

2. Wherever in any City or Town divided into wards, a united Board now exists, or is hereafter established, there shall be for every ward two trustees, each of whom, after the first election of trustees shall continue in office two years and until his successor has been elected, and one of such trustees shall retire on the second Wednesday in January, yearly in rotation.

As to time and
mode of elec-
tions.

Certain pro-
visions of Rev.
Stat. c. 204,
to apply.

28. After the establishment of any Separate School, the trustees thereof shall hold office for the same period and be elected at the same time each year that the trustees of Public Schools are, and all the provisions of “*The Public Schools Act*,” relating to the mode and time of election, appointments and duties of Chairman and Secretary at the annual meeting, term of office and manner of filling up vacancies, shall be deemed and held to apply to this Act. (*See Amendment, page* _____.)

Children from
other school
sections.

29. The trustees of Separate Schools may allow children from other school sections, whose parents or lawful guardians are Roman Catholics, to be received into any Separate School under their management, at the request of such parents or guardians; and no children attending such school shall be included in the return hereafter required to be made to the Minister of Education, unless they are Roman Catholics.

Certificates to
teachers of
Separate
Schools.

30. The teachers of Separate Schools under this Act shall be subject to the same examinations, and receive their certificates of qualification, in the same manner as Public School

teachers generally; but the persons qualified by law as teachers, shall be considered qualified teachers for the purpose of this Act. (*See Amendment, page 153.*)

31. Every person paying rates, whether as proprietor or tenant, who, by himself or his agent, on or before the first day of March in any year, gives to the Clerk of the Municipality notice in writing that he is a Roman Catholic, and supporter of a Separate School situated in the said Municipality or in a Municipality contiguous thereto, shall be exempted from the payment of all rates imposed for the support of Public Schools, and of Public School Libraries, or for the purchase of land or erection of buildings for Public School purposes, within the City, Town, incorporated Village or section in which he resides, for the then current year, and every subsequent year thereafter, while he continues a supporter of a Separate School; and such notice shall not be required to be renewed annually; and it shall be the duty of the trustees of every Separate School to transmit to the Clerk of the Municipality or Clerks of Municipalities (as the case may be), on or before the first day of June in each year, a correct list of the names and residences of all persons supporting the Separate Schools under their management; and every ratepayer whose name does not appear on such list, shall be rated for the support of Public Schools.

Supporters of Separate Schools exempted from payment of Public School rates on giving a certain notice.

Notice need not be renewed yearly.

32. Every Clerk of a Municipality, upon receiving any such notice, shall deliver a certificate to the person giving such notice, to the effect that the same has been given, and showing the date of such notice.

Certificates notice.

33. Any person who fraudulently gives any such notice, or wilfully makes any false statement therein, shall not thereby secure any exemption from rates, and shall be liable to a penalty of forty dollars, recoverable with costs, before any Justice of the Peace at the suit of the Municipality interested.

Penalty for wilful false statements in such notice.

34. Nothing in the last three preceding sections contained, shall exempt any person from paying any rate for the support of Public Schools or Public School Libraries, or for the erection of a School House or School Houses, imposed before the establishment of such Separate School.

Exemption as to rates imposed before Separate School established.

35. Any Roman Catholic who may desire to withdraw his support from a Separate School, shall give notice in writing to the clerk of the Municipality, before the second Wednesday in January in any year, otherwise he shall be deemed a supporter of such school.

Persons withdrawing support from Separate School to give notice.

2. But any person who has withdrawn his support from any Roman Catholic Separate School, shall not be exempted from paying any rate for the support of Separate Schools or Separate School Libraries, or for the erection of a Separate School

Proviso.

House, imposed before the time of his withdrawing such support from the Separate School.

Residence of
supporters of
Separate
Schools.

36. No person shall be deemed a supporter of any Separate School unless he resides within three miles (in a direct line) of the site of the School House.

Separate
Schools enti-
tled to a share
of the public
grant.

37. Every Separate School shall be entitled to a share in the fund annually granted by the Legislature of this Province for the Support of Public Schools, and shall be entitled also to a share in all other public grants, investments and allotments for Public School purposes now made or hereafter to be made by the Province or the Municipal authorities, according to the average number of pupils attending such school during the twelve next preceding months, or during the number of months which may have elapsed from the establishment of a new Separate School, as compared with the whole average number of pupils attending school in the same City, Town, Village or Township.

But not to
any share of
local assess-
ment for Pub-
lic Schools.

38. Nothing herein contained shall entitle any such Separate School within any City, Town, incorporated Village or Township, to any part or portion of school moneys arising or accruing from local assessment for Public School purposes within the City, Town, Village or Township, or the County or Union of Counties within which the City, Town, Village or Township is situate.

Supporters of
Separate
Schools not to
vote at elec-
tions of Pub-
lic School
trustees.

39. No person subscribing towards the support of a Separate School, established as herein provided, or sending children thereto, shall be allowed to vote at the election of any trustee for a Public School in the City, Town, Village or Township, in which such Separate School is situate.

Election of
trustees, when
to become
void.

40. The election of trustees for any Separate School shall become void unless a Separate School is established under their management within three months from the election of such trustees.

Return to be
transmitted
by trustees.

41. The trustees of each Separate School shall, on or before the thirtieth day of June and the thirty-first day of December of every year, transmit to the Minister of Education a correct return of the names of the children attending such school, together with the average attendance during the six next preceding months, or during the number of months which have elapsed since the establishment thereof, and the number of months it has been so kept open; and the Minister shall thereupon determine the proportion which the trustees of such Separate School are entitled to receive out of the Legislative grant, and shall pay over the amount thereof to such trustees.

Visitors of
Separate
Schools.

42. The Minister of Education, all Judges, Members of the Legislature, the heads of the municipal bodies in their respec-

tive localities, the Inspectors of Public Schools, and the Clergymen of the Roman Catholic Church, shall be visitors of Separate Schools.

43. The Roman Catholic Separate Schools (with their Registers) shall be subject to such inspection as may be directed from time to time by the Minister of Education, and shall be subject also to such regulations as may be imposed from time to time by the Education Department.

Inspection of schools by Minister of Education.

44. In the event of any disagreement between trustees of Roman Catholic Separate Schools and Inspectors of Public Schools, or other municipal authorities, the case in dispute shall be referred to the equitable arbitrament of the Minister of Education, subject, nevertheless, to appeal to the Lieutenant-Governor in Council, whose award shall be final in all cases. (See also Rev. Stat. c. 203, s. 6 (3).)

Disagreement between trustees, Inspectors, etc.

AMENDMENTS.

42 Victoria, Chapter 34 (1879).

23. The provisions contained in the fourth, fifth, sixth and seventh sections of this Act (42 Vic. cap. 34) shall also apply to Separate School corporations in Cities, Towns and Villages, and the trustees thereof; Separate School corporation or trustee being substituted for Public School corporation or trustee, Separate School supporter instead of person rated in respect of Public Schools, and Public School supporter for Separate School supporter where these expressions respectively occur in such provisions, and the Clerk of the Municipality shall, upon request, furnish to the Separate School trustees a list of persons being supporters of Separate Schools in each ward, or school district, as shown by the last revised assessment roll, or the notices or lists of Separate School supporters filed in his office. (See pages 34-37.)

Ss. 4, 5, 6 and 7 of this Act to apply to Separate Schools.

(2.) The provisions contained in section nine of this Act shall also apply to and govern the elections and annual meetings of Separate School corporations in Townships and rural sections." (See page 30.)

24. The trustees of any Separate School shall have full power as a body corporate to borrow money for school purposes, and to make valid mortgages and other instruments for the security and payment of such borrowed money, or of any moneys payable or to be paid for school sites, school buildings, or additions thereto, or the repairs thereof, upon the school house property and premises, or any other real or personal property vested

Borrowing powers of trustees of Separate Schools.

in them, or upon the Separate School rates, and each ratepayer who was a Separate School supporter at the time when any loan was effected on the security of said rates or property shall, while resident within the section or Municipality within which such Separate School is situate, continue to be liable for the rate to be levied for the repayment of such loan.

(2.) The principal money representing any sum so borrowed may, in the mortgage or other instrument securing the repayment thereof, be made payable in annual or other instalments, with or without interest, and the said trustees, in addition to all other rates or moneys which they may now levy in any one year, shall also have power and authority to levy and collect such further sum or sums as in each year may be requisite for paying all principal money and interest falling due in such year under the terms of such mortgage or other instrument aforesaid, and the said sums shall be levied and collected in each year in the same manner and form, and from the like persons and property by, from, upon or out of which other Separate School rates may now be levied and collected.

(3.) When any supporter of a Separate School resides without the municipality in which the school is situate he shall be entitled to vote in the ward or division in which the school house nearest to his place of residence is situate, if within the distance of three miles in a direct line.

Non-residents
may require
school tax to
be appropri-
ated to a
Separate
School.

25. Any person who, if resident in the Municipality, would be entitled to be a supporter of any Separate School in such Municipality, in giving notice under section three of the Assessment Act, that he is the owner of unoccupied land in such Municipality, may also require that such land be assessed for Separate School purposes in such municipality, if a Separate School exists therein, and the assessor shall thereupon enter such person in the assessment roll as a Separate School supporter, and the proper entries in that behalf shall be made in the prescribed column for Separate School rates, and such land shall be assessed accordingly for Separate School rates, and not for Public School purposes.

Certain provi-
sions of s.
102 of R. S. O.
c. 204,
extended to
Separate
Schools.

26 The provisions of sub-section sixteen (a) (b) (c) and (d) of section one hundred and two of the Public Schools Act, shall also apply to Separate Schools, and the rights conferred thereby shall be possessed by the Trustees thereof, and the like powers and duties therein mentioned shall be exercised in respect of Separate Schools and Separate School rates, but this shall not be held to affect other rights of Separate School Trustees in that behalf. (See page 56.)

(2.) So much of the County rate levied yearly upon the several Townships of the County for the payment of teachers' salaries which shall have been levied upon and collected from any persons being supporters of Separate Schools in any township, shall be paid over by the County Treasurer or Sub-Treasurer to the trustees of the Separate Schools of which such persons are supporters as aforesaid. 'And the Clerk of any Municipality in which any Separate School section or part of a section is situate, shall, not later than the first day of December in each year, make out and transmit to the County School Inspector a statement showing whether or not any county rate for Public School purposes has been placed upon the collector's roll against supporters of Separate Schools; and if such has been rated against supporters of Separate Schools, giving a list of such and the amount so rated against each and the total amount so rated, and the County Inspector shall in such case, before distributing the county rate among the Public School sections, deduct the amount so certified to him by the Clerk, and shall give to the trustees of the Separate School section an order upon the County Treasurer or Sub-Treasurer for the amount thereof,' *as amended by 44 Vic. chap. 30, sec. 9.*

(3.) In any case where the trustees of any Roman Catholic Separate School avail themselves of the provisions contained in the seventy-eighth section of the Public Schools Act, for the purpose (amongst others) of ascertaining through the assessor of the Municipality the persons who are the supporters of Separate Schools in such municipality, the assessor shall accept the statement of, or made on behalf of, any ratepayer that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for Separate School supporters; or if the assessor knows personally any ratepayer to be a Roman Catholic, this shall also be sufficient for placing him in such last mentioned column. (*See page 40.*)

27. The Education Department may authorize a Separate School in any County to be constituted a Model School for the training of Teachers for Separate Schools, subject to the regulations of the Department, and where in any County such Model School has been established, or from the special circumstances of the Separate Schools therein, the Minister of Education should deem it expedient, he may recommend for appointment by the Lieutenant-Governor in Council some one competent person possessing qualifications prescribed by the Education Department to be a member of the County Board of Examiners of such county in addition to the number now authorized, and who shall possess and discharge the like powers and duties as the other members of said Board.

Model Schools
for teachers of
Separate
Schools.

S. 30 of
Separate
Schools Act
Amended.

28. The thirtieth section of the Separate Schools Act is amended by inserting after the word 'teachers,' secondly occurring, in the fourth line thereof the words 'either in the Province of Ontario, or, at the time of the passing of the British North America Act, in the Province of Quebec.' (See page 149.)

Casting vote.

34. In any case of a Public, Separate or High School Board where there shall be a tie amongst the members present at any meeting thereof, the Chairman shall, in addition to his own vote, possess a second or casting vote.

44 Victoria, Chapter 30 (1881).

9. (3.) *Section twenty-six of the last mentioned Act [42 Vic. chap. 34 (1879)], in sub-section two thereof, is hereby amended. (See page 153.)*

10. To remove doubts, it is hereby declared, that in any case where under the eighteenth section of the Assessment Act land is assessed against both the owner and occupant, or owner and tenant, then such occupant or tenant shall be deemed and taken to be the person primarily liable for the payment of school rates and for determining whether such rates shall be applied to Public or Separate School purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves shall be allowed to alter or to affect this provision otherwise; and in any case where, as between the owner and tenant or occupant, the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay any such school rate, he may direct the same to be applied to either Public or Separate School purposes.

REGULATIONS OF THE EDUCATION DEPARTMENT.

PUBLIC SCHOOLS.

CHAPTER 1.

School Meetings in Rural School Sections.

1.—*Notice of meetings.*

1. The notice calling an annual or special school meeting, may be signed by the secretary, by direction of the trustees, or by a majority of the trustees themselves; the corporate seal need not be attached to it; copies of such notices should be put up in at least three of the most public places in the section, at least six days before the time of holding the meeting. (Rev. Stat. c. 204, s. 44 and s. 102, sub-sec. 25.) School Meetings.

2.—*Proceedings at Annual Meeting.*

2. The senior or other trustee present shall, at the proper hour (10 o'clock and not later than half-past), call the meeting to order, and request the ratepayers present to appoint a chairman and secretary from among themselves. Annual School Meetings, how organized.

The chairman, on election, shall at once take the chair, and shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the meeting. He may give a casting vote, but no other.

The secretary shall record in writing all the votes and proceedings of the meeting. (Rev. Stat. c. 204, ss. 45, 46, 47, 48 and 51.)

3. The following shall be the order of business at the meeting:— Order of business at annual meetings.

- (1.) Calling the meeting to order.
- (2.) Election of chairman and secretary.
- (3.) Reading of trustees' annual report and auditors' statement of receipts and expenditure.
- (4.) Receiving and deciding upon trustees' report.
- (5.) Receiving and deciding upon auditors' statement.
- (6.) Election of trustee to fill the vacancy at the end of the past year.

- (7.) Election of trustee or trustees to fill any other vacancy.
- (8.) Election of auditor.
- (9.) Any other business of which due notice has been given.

Rules of order
to be observed
at annual
meetings.

4. The following rules of order should be observed at the meetings :—

(1.) *Addressing chairman.*—Every elector shall rise previously to speaking, and address himself to the chairman.

(2.) *Order of speaking.*—When two or more electors rise at once, the chairman shall name the elector who shall speak first, when the other elector, or electors, shall next have the right to address the meeting in the order named by the chairman.

(3.) *Motion to be read.*—Each elector may require the question or motion under discussion to be read for his information at any time, but not so as to interrupt an elector who may be speaking.

(4.) *Speaking twice.*—No elector shall speak more than twice on the same question or amendment without leave of the meeting, except in explanation of something which may have been misunderstood, or until every one choosing to speak shall have spoken.

(5.) *Poll demanded.*—The names of those who vote for, and of those who vote against, the question, shall be entered upon the minutes if two electors require it.

(6.) *Votes.*—All votes shall be taken in the manner desired by a majority of electors present, but a poll may be required by any two electors, when it must be granted by the chairman. The votes tendered shall be recorded by the secretary. In case objection is made to the right of any person to vote, the chairman shall, at the request of any ratepayer, require the person whose vote is questioned, to make the declaration provided by law. After making it the vote must be received and recorded without further question. But if such person refuses to make such declaration, the vote is to be rejected.

(7.) *Protest.*—No protest against an election, or other proceedings of the school meeting, shall be received by the chairman. All protests must be sent to the inspector within twenty days at least after the meeting.

(8.) *Adjournment.*—A motion to adjourn a school meeting shall always be in order, provided that no second motion to the same effect shall be made until after some intermediate proceedings shall have been had.

(9.) *Motions to be in writing and seconded.*—A motion cannot be put from the chair, or debated, unless the same be in writing (if required by the chairman), and seconded.

(10.) *Withdrawal of motion.*—After a motion has been announced or read by the chairman, it shall be deemed to be in possession of the meeting ; but may be withdrawn at any time before decision by the consent of the meeting.

(11.) *Kind of motions to be received.*—When a motion is under debate no other motion shall be received, unless to amend it, or to postpone it, or for adjournment.

(12.) *Order of putting motion.*—All questions shall be put in the order in which they are moved. Amendments shall all be put before the main motion; the last amendment first, and so on.

(13.) *Reconsidering motion.*—A motion to reconsider a vote may be made by any elector at the same meeting; but no vote of reconsideration shall be taken more than once on the same question at the same meeting.

5. The poll for every election of a trustee shall not close before eleven o'clock in the forenoon, but may close at any time thereafter after the lapse of a full hour without the polling of any vote. Such poll shall not be kept open after four o'clock in the afternoon. (Rev. Stat. c. 204, s. 41.) Close of meeting.

6. At the close of the proceedings the chairman should sign the minutes, as entered by the secretary in the minute-book; and the chairman must forthwith send to the inspector a copy of such minutes (signed by himself and the secretary), under a penalty of five dollars. (Rev. Stat. c. 204, s. 50, and s. 246.) Transmission of minutes.

7. Every trustee, on his election, is required by law to make a declaration of office in presence of the chairman of the meeting or within two weeks afterwards. If the chairman himself be elected he must within the same period make the declaration before the secretary of the meeting. The trustee, however, is a legal trustee, from the day of his election until he is legally removed, or his election duly set aside. (Rev. Stat. c. 204, s. 19.) Declaration of office of public school trustees in rural sections.

3.—*Proceedings at Special School Meetings.*

8. As far as possible special school meetings shall be conducted in the same way as annual school meetings. Special school meetings.

9. Deferred school meetings are governed by the provisions of Rev. Stat. c. 204, s. 53. Deferred school meetings.

CHAPTER 2.

Powers and Duties of Trustees in Rural Sections.

These are defined in the Public Schools Act.

The following regulations are further prescribed for the guidance of trustees :—

Contracts or
agreements.

1. Every contract or agreement with teachers or other parties must be in writing, and sealed with the corporate seal of the trustees, or otherwise the trustees would be liable thereon individually.* In small and unimportant matters this principle would not apply. In such cases trustees may authorize one of themselves or their secretary to attend to such matters. No trustee can enter into a contract with the corporation of which he is a member, or have any pecuniary claim on or receive recompense from such corporation.

Use of seal.

2. The trustees' seal should not be affixed to notices or letters, but only to contracts, agreements, deeds, or other papers which are designed to bind the trustees as a corporation for the payment of money, or the performance of any specified act, duty or thing.

Care of school
house.

3. Trustees shall appoint one of their number, or other responsible person, and give him authority, and make it his duty to keep the school house in good repair. He should also see that the windows are properly filled with glass; that, at a proper season the stove and pipe are in a fit condition, and suitable wood provided; that the desks and seats are in good repair; that the outhouses are properly provided with doors, and are frequently cleaned; that the black-boards are kept painted, the water supply abundant, and that everything is provided necessary for the comfort of the pupils and the success of the school.

Use of school
house.

4. No public school house or school plot (unless otherwise provided for in the deed), or any building, furniture, or other thing pertaining thereto, shall be used or occupied for any other purpose than for the use and accommodation of the public school of the section or division, without the express permission of the trustees acting as a corporation, and then only after school hours, and on condition that all damages be made good, and cleaning and sweeping promptly done.

The teacher has charge of the school house on behalf of the trustees. He has no authority to use the school house other than as directed by them; nor to make use of it at any other time than during school hours, without their sanction. At the request of the trustees he must at once deliver up the school house key to them.

School accom-
modation.

5. The trustees in providing school accommodation should, so far as the circumstance of their section will allow, comply with the general regulations in that behalf, except in so far as such regulations may in any special case be relaxed.

Expenses of
school.

6. It is the duty of the trustees to decide what expenses they will incur for maps, school apparatus, library and prize books,

* A Form of agreement is given in Appendix, page 182, *post*, which trustees are recommended to use.

what teachers shall be employed, salaries of teachers, and all other expenses of their school. The trustees are not required to refer such matters to any public meeting whatever; but they have the full right to decide as to the nature and amount of any expenses which they may judge expedient to incur for such purposes. (Rev. Stat. c. 204, s. 103, sub-sec. 1.)

7. Trustees may, if they deem it expedient, establish a library and appoint a librarian. Library and librarian.

8. Trustees shall transmit the half-yearly returns required by law, or otherwise their school will not be entitled to its apportionment from the Legislative grant for such half-year, and the trustees so neglecting to make their return, become personally liable to their section for the loss of such apportionment. Returns to be sent in by trustees half-yearly. Penalty for neglect.

9. In filling up the return, the trustees should see that the teacher transcribes from the school register, according to the register number, the name of each pupil admitted to the school during the half year, and the number of days such pupil has attended during each month of that period. The attendance of no child can exceed the number of authorized teaching days at the head of each monthly column of the return. The names of all children whose parents or guardians reside in the school section, are to be included as "residents," but no others. "Non-resident children" are to be separately reported in the place assigned for non-resident children in the return. Filling up returns. "Residents" defined.

10. The trustees of union school sections will transmit exact copies of their return to the inspectors concerned,—distinguishing the pupils belonging to each Township. Union school section returns.

11. Every trustee signing a false return or teacher keeping a false school register in order to obtain a larger share of the school fund, renders himself liable to a fine of twenty dollars. Penalty for false returns.

CHAPTER 3.

School Boards in Cities, Towns and Incorporated Villages.

1. The Board is authorized by law to appoint the time and place of their meetings and the mode of calling them, and of conducting and recording their proceedings, and of keeping all their school accounts. (Rev. Stat. c. 204, s. 104, sub-sec. 2.) Proceedings of the Board.

Order of
business.

2. At every regular meeting of the Board it is recommended that the order of proceedings shall be :—

- (1.) Reading and confirming the minutes.
- (2.) Reading and referring letters, memorials, etc.
- (3.) Giving notices of motion.
- (4.) Taking up unfinished business and former notices.
- (5.) Presenting and adopting reports of committees.
- (6.) Miscellaneous business.

Rules of order.

3. Rules of Order :

(1.) Quorum. A majority of the members of the Board shall constitute a quorum.

(2.) It is recommended that the rules of debate and of order should be similar to those of the Legislative Assembly of Ontario, so far as applicable.

CHAPTER 4.

School Accommodation.

I.—RURAL SCHOOLS.

Inspectors will see that these regulations are carried out so far as the circumstances of each section may enable them to be complied with, without pressing unduly upon the resources of the section. They are to be considered as recommendatory rather than as obligatory, except in cases of wilful omission or neglect which are to be reported to the Department for decision or advice. Inspectors will impress upon trustees the importance of proper accommodation.

1.—*Extent of Accommodation.*

Requisites for
school accom-
modation in
rural schools.

The law as now amended requires the trustees of rural school sections to provide adequate school accommodation in their sections, "so as to accommodate at least two-thirds of the children who have a right to attend the school of the section, according to the census taken by the trustees for the next preceding year." This includes all children resident in the school section between the ages of 5 and 21 years, and also children from adjacent school sections, whom the trustees are required to admit upon certain conditions. (Rev. Stat. c. 204, s. 102, sub-sec. 8.)

The school accommodation under the Act should as far as possible possess the following requisites, which are to be construed to apply also to existing school houses.

2.—*School Site, House and Appendages.*

1. When the number of children resident in a section is 75 or under, the site for the school house should be half an acre in extent. Seventy-five children and under—extent of site.

2.—When the number exceeds 75, the site should be an acre in extent. Over 75 children—extent of site.

3. On such site there should be a substantial school house of wood, brick, stone, etc. (the kind to be determined at the pleasure of the trustees), set back at least ten yards from the road or street. The walls of the house should not be less than ten feet high in the clear. It should not contain less than twelve square feet on the floor for each child who has the right to attend (to the extend of two-thirds of the total number as aforesaid), so as to allow an area in each room, or gallery, for at least one hundred and twenty cubic feet of air for each child, including space for teacher, platform, and passages between the seats. It should also be sufficiently warmed and ventilated,* and the premises properly drained, to the satisfaction of the Inspector. Kind of house required.

4. The school premises should be strongly fenced, the play yards in the rear of the school house being invariably separated by a high and tight board fence, or wall; the front ground being planted with shade trees. Fences.

5. There should be a well, or other means of procuring water for the school, satisfactory to the Inspector. Well.

6. Proper and separate offices for both sexes should be provided at some little distance from the school house, and suitably enclosed or otherwise masked. Offices.

3.—*School House Accommodation and Teachers.*

7. For a school section having fifty resident children or under, there should be a house with school room, and comfortable sittings for the children, and the trustees may also provide a gallery or class-room. There shall be one teacher and, at the option of the trustees, a monitor to aid the teacher. What kind of house required for 50 resident children.

8. In school houses for more than fifty pupils, there should be separate entrances for boys and girls, with necessary cap and cloak-rooms attached. Separate entrances.

*Thus, for instance, a room for fifty children would require space for 6,000 cubic feet of air, and this would be equal to a cube of the following or equivalent dimensions in feet, viz. :—30 x 20 x 10, which is equivalent to a room 30 feet long by 20 feet wide by 10 feet high.

In winter the temperature during the first school hour in the forenoon or afternoon should not exceed 70 degrees, and 60 degrees during the rest of the day.

What kind of house required for 100 resident children—what teachers.

9. For a section having one hundred resident children, there should be a house with two rooms with comfortable sittings (one for an elementary and one for an advanced division), and the trustees are recommended to provide a gallery. There should be a teacher and assistant, and at the option of the trustees, a monitor.

What kind of house required for 150 resident children.

10.—For a section having one hundred and fifty resident children, a house having one gallery and two good rooms with comfortable sittings, and one teacher, an assistant and monitor; or a house having a gallery and two apartments, one for an elementary, and one for an advanced department, with a teacher and two assistants. If one commodious building cannot be secured, two houses may be provided in different parts of the section, with a teacher and assistant in each. A monitor may be appointed to prepare the younger children for the master, the duty of the assistant being confined to the preparation of the more advanced pupils.

Over 150 children.

11.—For a section having over one hundred and fifty resident children, the regulation for accommodation for village schools shall apply.

II.—CITIES, TOWNS AND VILLAGES

1.—*Powers of Board.*

What kind of schools authorized in Cities, Towns and Villages.

The Board is authorized "to determine the number, sites, kind, grade, and description of schools such as, male, female, infant, central, or ward schools to be established and maintained in the city, town or village" (Rev. Stat. c. 204, s. 104, sub-sec. 9):—

And in order that this duty may be definitely regulated, the following should be observed by the respective Public School Boards.

2. *School House Accommodation and Teachers.*

Requirements for Village or Town with from 150 to 200 children.

12. For a Village or Town School, having from one hundred and fifty to two hundred resident children, or for a city school, a brick, stone, or frame house should be provided by the Board, having in it one or two galleries, and three apartments (one for an elementary, one for an intermediate division, and one for the highest division), and by means of a sliding door, one good room, at least, common to the two latter; also three teachers and an assistant, and at the option of the trustees, a monitor. The area of each room or gallery should be such as to secure a space of at least one hundred cubic feet of air to each child to be accommodated therein. If necessary, schools may be provided at the pleasure of the trustees for the different departments in different parts of the village, town or division.

13. For any village or town having two hundred resident children or upwards, or for a city, a house or houses with sufficient accommodation for the different elementary and advanced divisions should be provided as above prescribed. Over 200 children.

III.—AS TO ALL PUBLIC SCHOOLS.

14. All Public Schools shall be constructed so as to possess these essential particulars, viz. :— Offices—principles to be observed in construction of.

(1.) The privy building, or closet, should be masked from view, and its approaches equally so.

(2.) There should be little or no exposure to mud or wet weather in reaching it.

(3.) There should be no unpleasant sight or odour perceptible.

(4.) The apartment should be well finished.

(5.) It should be kept entirely free from cuttings, pencillings, or markings, and scrupulously clean.

(6.) There should be, at least, two privies attached to each mixed school, and they should be so separated that neither in approaching or occupying them, can there be either sight or sound observed from one to the other. This cannot be effected by a mere partition; nothing can secure the object but considerable distance, or extra heavy brick or stone walls resting on the ground. It is a serious error ever to omit this precaution.

(7.) Desks, seats, blackboards, maps, library, presses, books, and other furniture necessary for the efficient conduct of the school, shall be furnished. What furniture to be got.

IV.—SUGGESTIONS AS TO SCHOOL BUILDINGS.

15. Trustees and School Boards are recommended to pay due attention to the following particulars in the erection of school houses, viz. :— Suggestions as to school buildings.

(1.) The school house should be but *one story high*, in rural sections.

(2.) A separate room should be provided for every fifty pupils enrolled in the school. By means of sliding doors, these separate rooms could be thrown into one on special occasions.

(3.) Provision should be made for one or more galleries or class-rooms in every school, according to its size, as heretofore prescribed.

(4.) Separate entrances, with outer porches to the school house or room, for boys and girls should be provided where the number of pupils is over fifty.

(5.) The entrance porches should be external to the school house.

(6.) The external doors of the school house should open outwards.

(7.) The school rooms must be well ventilated.

(8.) The light should be admitted to the school rooms behind or at the left of the children, and either from the east or north, but in no case should the children face it.

(9.) The window sashes should be made to move up and down on pulleys, and the sills should be about four feet above the floor.

(10.) Each school house should be provided with a bell.

(11.) If the house be brick, care should be taken to make the walls hollow, but air-tight, otherwise the walls will be damp inside.

16. The Inspector will assist the trustees in giving effect to the above recommendations.

CHAPTER 5.

Inspectors.

1.—*Qualifications.*

Qualifications
of Inspectors.

1. Certificates of eligibility for appointment to the office of County, City, or Town Inspector of Public Schools, shall hereafter be granted only to the following persons:—

(1.) Teachers of Public Schools who have obtained, or who shall obtain, First Class Provincial Certificates of Qualification of the highest grade (A).

(2.) Such persons as shall establish to the satisfaction of the Education Department, that they have respectively taken a degree in the Faculty of Arts in any one of the Universities, or Colleges with University powers, situate in this Province, or in the University of McGill College, at the City of Montreal, provided that such degree has been taken with honors of the first or second-class, in any one or more of the recognized departments of examination in such University for such degree, and provided further that such persons respectively establish to the satisfaction of the Education Department, that they have successfully taught in a Public or High School in this Province, for the period of five years at least, and that such persons also furnish satisfactory proof of temperate habits and good character.

2.—*Duties.*

Jurisdiction of
Inspectors.

2. The School Inspector is declared to have the oversight of all Public Schools in the Municipality for which he is appointed; and if a County Inspector, in the Townships and Villages within

the County or union of Counties, or part of the County or union of Counties for which he is appointed. He is required to act in accordance with the law and regulations. He is also subject to such instructions as may be given to him from time to time by the Minister of Education. He is further required to see that all the schools are managed and conducted according to law. (Rev. Stat. c. 204, s. 194.)

General duties
of Inspectors.

3. City Inspectors shall keep one or more regular office hours in each day, as fixed by the Board of Trustees, and of which public notice shall be given; and County and City Inspectors shall devote their whole time during office hours to the duties of their office, except during school holidays and vacations.

4. The City and Town Inspectors shall perform such additional duties as may be required of them by the Public School Boards which appoint them, or by the Minister. (Rev. Stat. c. 204, s. 194, sub-sec. 40.)

City and Town
Inspectors to
visit schools as
directed by
Board.

5. They shall visit the schools as often as directed by the Board, and in their visitations shall be governed by the following regulations (so far as applicable to City or Town Schools).

6. The County Inspector shall visit every Public School under his jurisdiction at least once during each half-year, unless required to do so oftener by the County Council. One of such half-yearly visits shall be made between the first of April and the first of October; and the other between the first of October and the first of April. He shall devote on an average half a day to the examination of the classes and pupils in each school, and shall record the result of such examination in a book to be kept for that purpose. He shall also make inquiry and examination, in such manner as he shall think proper, into all matters affecting the condition and operations of the school, the results of which he shall record in a book, and transmit it, or a copy thereof, annually, on completing his second half-yearly inspection, to the Education Department; but he shall not give any previous notice to the teacher or trustees of his visit. (Rev. Stat. c. 204, s. 194, sub-secs. 3 and 3a.)

Visitation of
schools by
County
Inspector.

7. It must be remembered that one object of the examination is to see whether the law and regulations have been carried out, and the Report should mention any variation from the requirements demanded by law. Should the Inspector discover remissness on any point, he should at once call the attention of the trustees to it before withholding the school fund from the section, with a view to its remedy, before his next half-yearly visit.

8. The following are suggested as subjects of examination and inquiry:—

Subjects of
examination
by Inspector.

(a.) School accommodation and condition of premises; school requisites.

(b.) Registers and Visitors' Book.

(c.) Text-books.

(d.) Organization and promotions.

(e.) Discipline.

(f.) Methods of instruction.

(g.) Attainments of pupils.

(h.) *Miscellaneous Inquiries*.—How many pupils have been sent to the High School during the year? Whether the pupils have been examined before being admitted to the school, and arranged in classes, as prescribed by the regulations; and whether the required public examinations have been held? What prizes or other means are offered to excite pupils to competition and study? Is a library maintained in the section; number of volumes taken out during the year; are books covered and labelled as required; are books kept in library case; is catalogue kept for reference by applicants; are fines duly collected, and books kept in good order; are library regulations observed? How far the course of studies prescribed according to law, has been introduced, and is pursued in the school. And such other information in regard to the condition of the school as may be useful in promoting the interests of Public Schools generally.

Authority of
Inspector
while visiting
schools.

9. The authority of an Inspector in a school, while visiting it, is superior to that of the masters or teachers, who, together with their pupils, are subject to his directions; and he shall examine the classes and pupils, and direct the masters or teachers to examine them, or to proceed with the usual exercises of the school, as he may think proper, in order that he may judge of the mode of teaching, management and discipline in the school, as well as of the progress and attainments of the pupils.

Procedure in
visiting
schools.

10. On entering a school, with a view to its inspection, the Inspector should note, in the inspector's book, the time of his entrance, and on leaving, the time of his departure from the school.

Intercourse
with teachers.

11. In his intercourse with masters and teachers, and during his visit to their schools, the Inspector should treat them with kindness and respect, counselling them privately on whatever he may deem defective or faulty in their manner of teaching.

Right of
children to
attend school
to be pre-
served.

12. The Inspector should see that the provisions in the *Public Schools Act*, in regard to the right of every child in the Municipality under his jurisdiction to attend some school, are not allowed to remain a dead letter; but he should, when neces-

sary, frequently call attention to the subject, and examine the school census of the section or division.

13. County and City Inspectors have authority to allow Teachers to visit schools and to attend Teachers' Associations, under the restrictions contained in the regulations respecting masters. Teachers visiting other schools.

14. Any complaints in regard to the election of rural school trustees, or in regard to any proceedings at school meetings may be made within twenty days to the County Inspector who must decide them. The law declares that the decision must be either "to confirm" or "set aside" the election or proceeding subject to an appeal to the Minister, and not to dismiss the complaint, or to refuse to entertain it. If the proceedings be set aside, a reasonable time should be allowed to permit the parties concerned to appeal before calling another meeting, or otherwise carrying out the decision of the Inspector. The decision should be given as soon as possible, but not necessarily within the twenty days. A reasonable time may be taken by the Inspector to investigate the complaint, and if he desires it to apply to the Minister for advice on any doubtful point. (Rev. Stat. c. 204, s. 194, sub.-sec. 9.) Complaints as to election of school trustees.

15. The Inspector should promptly adjudicate upon all cases submitted to him, after hearing both sides, and give such counsel and advice (in harmony with the School Law and Regulations) as shall in his judgment best promote the interests of the school, and prevent disputes and litigation in the various neighbourhoods. Decision of disputes.

16. The returns in the trustees' half yearly reports must form the basis for apportioning the School Fund to the several Public Schools of each Township. The Legislative Grant forms the School Fund for the first half year, and the Municipal Assessment the School Fund for the second half year. The Inspector is required to apportion each half year's School Fund to every section, whether the school be in operation or not, for that half year. In making the apportionment, the attendance of non-resident* pupils authorized by the *Public Schools Act*, is to be reckoned as belonging to the section in which they Apportionment of Public School Fund.

* *Non-resident pupils* are those whose parents or guardians are not residents of the section or school division. Such pupils do not become residents by boarding in the section or division while attending school. (This rule does not apply to apprentices, or to parties who move into the section with a view to become *bona fide* residents.) A ratepayer in a section or division employing temporarily a minor whose parents or guardians reside outside of the section, etc., cannot lawfully report such a minor in the school census, or claim to send him as a resident unless he is duly apprenticed to such ratepayer. Adopted children and orphans, having guardians, who are *bona fide* residents, and other children who are *bona fide* residents of the school section or division, not having parents or guardians shall not be admitted until the guardian, adopted parent; friend, or person with whom they reside, shall furnish the trustees with satisfactory evidence of such adoption, guardianship or *bona fide* residence.

are actual residents, and not to the section in which they may attend school. (Rev. Stat. c. 204, s. 102, sub-sec. 20, & 103, sub-sec. 4.)

Average attendance, how to be calculated.

17. Upon the receipt of the half-yearly returns the Inspector shall see that the aggregate attendance of each school is correctly added up, and divided by the divisor for the half-year, and that no lost time is made up by teaching on Saturdays, or other holidays or vacations. Under the Regulations respecting *Masters and Teachers*, teachers may employ certain days in the year in visiting other schools or attending teachers' Institutes or Associations. In order that the school may not lose a corresponding proportion of the School Fund, the Inspector is authorized to add a proportionate amount of average attendance for time so employed, or by using a smaller divisor. After having examined and tested the correctness of the return the Inspector should file away and carefully preserve it, so that it may be handed over, with other school documents, to his successor, when he retires from office. The half-yearly returns of the pupils' names, and number of days on which they attended during each month, will be a check against false or exaggerated returns; as the Inspector can, in his visit to any school, take the return with him, compare it with the school register, and make any further inquiries he may deem necessary.

Report to Department.

18. The Inspector is to report to the Department at once any case where the apportionment is withheld, and the cause. The Minister reserves to himself full power to review any decision of the Inspector.

Cheques to teachers.

19. Any cheque for school money due a section must be made payable either to the trustees, at their written request (44 Vic. c. 30, s. 9), or to the duly qualified teacher, or his order, (sec. 194, sub-secs. 15 and 18); and no cheque can be given to such teacher except on an order signed by a majority of the trustees of the school section, and attested by a lawful corporate seal, and then only for the time during which the teacher has a held legal certificate of qualification, not cancelled, suspended, recalled or expired, except where such expiry has taken place during a vacation. (Rev. Stat. c. 204, s. 102, sub-sec. 18, and sec. 162.) In giving cheques to male teachers the half-yearly payment of two dollars to the Superannuated Teachers' Fund must be deducted by the Inspector.

Teachers' Superannuation Fund.

20. Rev. Stat. c. 204, s. 194, sub-secs. 15, 16 and 17, provide for the collection by County, City, and Town Inspectors of the superannuation money from the teachers, and the transmission of the same to the Education Department. This may be done in registered letters, or by deposit to the credit of the Minister of Education, in any of the branches of the Bank of Commerce or the Ontario Bank. When by deposit, the deposit certificate

should be transmitted, with the list of names, without delay, to the Education Department.

21. If the Board of Trustees in Cities and Towns prefer it, they can direct the Treasurer to deduct the full amount of the male teachers' half-yearly subscription in one sum from the salaries payable to such teachers, and transmit it, as above, through the Inspector to the Department. Deduction may be made in one sum.

22. The County Inspector shall act as Chairman of the Board of Examiners, and shall perform such other duties as are prescribed for him in the Regulations respecting examinations. Examination of Public School Teachers.

23. Inspectors are also members of the Board of Examiners for the admission of pupils to the High Schools.

24. Inspectors will observe that, before a temporary certificate is granted, the sanction of the Minister must be obtained, on special grounds reported by the Inspector. In his application to the Minister for liberty to grant a temporary certificate, the Inspector shall state (among other things) whether the candidate has been rejected at the County Board Examination, and whether there is a scarcity of teachers in the district. He shall also forward an application from the School Board, desiring the services of the teacher to whom it is proposed to grant the certificate. (Rev. Stat. c. 204, s. 194, sub-sec. 22.) Temporary Certificates.

25. At the request in writing of any Public School Corporation, a Public School Inspector may admit to examination any senior pupil or other candidate for the position of Monitor or Assistant in such Public School, on the conditions set forth in the Regulations respecting Monitors' and Assistants' Certificates.* Certificates to monitors and assistants.

26. When an Inspector finds it necessary to suspend the certificate of a master or teacher, he should not do so on the mere report of improper conduct, immorality or incompetency, but he should give the master or teacher due notice of the charge against him, and afford him a full opportunity for defence; and he should also examine carefully into the alleged facts of the case, and, if necessary, visit the school and assure himself personally of their truth before proceeding to suspension. Suspension of certificates.

Officers required by law to exercise their judgments, are not answerable for mistakes in law, or mere errors of judgment, without any fraud or malice.

27. Inspectors are responsible for obtaining blank reports from the Education Department, at the proper periods of the Blank forms of returns.

* See page , *post*.

year, and supplying them to the Public Schools, and also for the prompt despatch of the blank forms of yearly and half-yearly returns directly to the trustees; and the trustees are equally responsible (in addition to the penalty imposed by law) for the delivery of the returns and reports to their Inspector within ten days after the close of the year or half-year.

Conditions of
payment of
Inspector's
salary.

28. The proportion of each County Inspector's salary, payable by the Government, will be certified quarterly to the Provincial Treasurer by the Minister, on the following conditions:—

(1.) That the name and address of the Inspector appointed by the County Council has been duly certified to the Education Department by the County Clerk.

(2.) That such Inspector possesses a legal certificate of qualification from the Education Department.

(3.) That he has faithfully performed the duties of his office during the time specified in regulation three of this chapter, and in the manner prescribed by the law and regulations.

(4.) That he has promptly transmitted half-yearly to the Education Department, with the names of the teachers (to be afterwards certified from his cheques by the County Auditors at the end of each year), the semi-annual subscriptions to the Superannuated Teachers' Fund by the male teachers under his jurisdiction.

(5.) That the required reports and returns have been duly sent in to the Education Department, and found to be correct (including his annual special report on each school, as provided for in regulation five of this chapter).

29. Each Public School House in use for a school in a legally established (or duly recognized) school section or division, within the jurisdiction of the Inspector, shall be counted as one school (whether such school be in actual operation, or temporarily closed for not longer than six months). And each department of a school, with a register of its own, and taught in a separate room or flat of a building, so as to involve the like oversight and examination as an ordinary school, on the part of an Inspector at his official visits, shall also be counted as one school; but a school with one or more departments, when closed, shall only be regarded as one school, for the time limited above—beyond which time no school which is closed shall be counted.

School Boards
in Towns may
place schools
under County
Inspector.

30. The Public School Board of any Town not separated from the County, may pass a resolution to the effect, that on and after the first day of January, in any year, the inspection of the Public Schools of the Town shall be placed under the Inspector of the County in which the Town is situate, and thenceforth such Inspector shall be entitled to be paid out of

the County rates collected in such Town and for such purposes, the like salary and remuneration as he is entitled to receive for the inspection of Rural Schools, and also the like remuneration prescribed by the Department, and payable from the Legislative grant.

CHAPTER 6.

Qualifications and Duties of County Boards of Examiners.

1. The law provides that every County Council shall appoint a County Board of Examiners, for the examination of candidates for Third Class Certificates, in accordance with the General Regulations of the Department, consisting of the County and City Inspectors, and not more than four other competent persons, whose qualifications shall from time to time be prescribed by the Education Department; in no such Board shall the number of members exceed five; in all cases the majority of the members appointed shall constitute a quorum for the transaction of business; and the payment of their expenses is to be provided for by the County Council. (Rev. Stat. c. 204, s. 87, sub-secs. 4 and 5, and ss. 196 to 199 inclusive; and c. 203, s. 4, sub-secs. 29 and 30.)

Constitution
of County
Boards of
Examiners.

2. All Head Masters and ex-Head Masters of Grammar or High Schools, and those Graduates in Arts who have proceeded regularly to their degrees in any University in the British Dominions, and have taught in a college or school not less than three years; all candidates for degrees in Arts in the Universities of the United Kingdom, who, previously to the year 1864, possessed all the statutable requisites of their respective Universities for admission to such degrees, and have taught in a college or school not less than three years; and all teachers of Common or Public Schools who have obtained First Class Provincial Certificates of Qualification, or who may obtain such certificates under the provisions of the present law, shall be considered as legally qualified to be appointed members of a County Board of Examiners, without further examination, on their obtaining from the Education Department, for the satisfaction of the County Council, a certificate of their having complied with the regulation, and being eligible under its provisions.*

Qualifications
of members
of County
Boards.

* Candidates entitled to Certificates of Eligibility as County or City Inspectors or Examiners, will receive their certificates on application to the Education Department, and no appointment will be recognized as valid unless the person holds such certificate.

Duties of Ins-
pectors as to
Examinations.

3. The County Inspector shall be Chairman of the Board of Examiners, and as such shall receive and be responsible for the safe keeping, unopened, of the examinations papers until the day of the examination. If there be more than one County Inspector, each shall be Chairman at alternate examinations.

The same.

4. The Chairman shall convene meetings of the Examiners, for the purpose of arranging all matters relative to the examinations, and he shall preside at all such meetings, or in his absence, any other Inspector present shall preside, or should no Inspector be present, the Examiners may elect their own temporary Chairman.

Suspension of
Certificates.

5. The Board of Examiners shall investigate all cases of appeal to it, against the act of the Inspector in suspending a teacher's Second or Third Class certificate, and in the case of a Second Class Certificate shall transmit to the Minister, through the Inspector, its report, together with the evidence taken thereon, and the Minister may either confirm or annul such suspension of Second Class Certificate, but the action of the Board of Examiners shall be final with respect to Third Class Certificates.

Appeals from
the decision of
Examiners.

6. Any teacher examined by a County Board shall have the right to appeal to the Minister, as provided in Regulation No. 44, of chap. 8, post-page 175.

Fees.

7. The fees of Public School Inspectors and substitutes engaged in conducting the Examinations are not payable until the Department has decided as to the results thereof.

An examiner has no claim to fees if he has failed to perform his duties in a proper manner.

CHAPTERS 7-10.

Conditions and Examinations for Certificates of Qualification to Teach in the Public Schools.

(These are published separately.)

CHAPTER 11.

Masters and Teachers.

Masters.

1. The *Public Schools Act* prescribes, in explicit and comprehensive terms, the duties of teachers ; and no teacher can legally claim his salary who disregards the requirements of the law. Among other things, the Act requires each teacher to "maintain proper order and discipline in his school, according to the authorized forms and regulations." (Rev. Stat. c. 204, s. 163.) General principle.

2. In every school in which there are two or more teachers employed, the trustees shall determine who shall be considered as the master of the school. Number and designation of teachers.

(1) The head teacher employed in any Public School in which there is more than one teacher, shall be designated and known as the *master*, and the others shall be named first, second, or third, etc., assistant *teacher*.

3. The master of every school is a public officer, and, as such, shall have power, and it shall be his duty to observe and enforce the following rules :— Authority of master.

(1) He shall see that these general rules and regulations, and any special rules (not inconsistent with them) which may be approved by the trustees for their respective schools are duly and faithfully carried out, subject to appeal, in case of dissatisfaction to the Inspector. As to enforcing observation of rules.

(2) He shall prescribe (with the assent of the trustees) the duties of the several teachers in his school, but he shall be responsible for the control and management of the classes under their charge. As to prescribing duties of teachers.

(3) He shall see that no pupil is admitted to, or continues in, any of the Public Schools who is afflicted with, or has been exposed to any contagious disease, until all danger of contagion from such pupil, or from the disease or exposure, shall have passed away, as certified in writing by a medical man. No pupil suffering from contagious disease to be admitted.

4. He shall suspend (subject to appeal, by the parent or guardian, to the trustees), any pupil, for any of the following reasons :— As to suspension of pupils.

- (a) Truancy persisted in ;
- (b) Violent opposition to authority ;
- (c) Repetition of any offence after notice ;
- (d) Habitual and determined neglect of duty ;
- (e) The use of profane, obscene, or other improper language ;
- (f) General bad conduct, and bad example, to the injury of the school ;

(g) Cutting, marring, destroying, defacing, or injuring any of the Public School property, such as buildings, furniture, fences, trees, shrubbery, seats, etc.; or writing any obscene or improper words on the fences, privies, or any part of the premises; provided that any master suspending a pupil for any of the causes above-named, shall, immediately after such suspension, give notice thereof in writing to the parent or guardian of such pupil, and to the trustees, in which notice shall be stated the reason for such suspension; but no pupil shall be expelled without the authority of the trustees.

As to expulsion of pupils.

5. When the example of any pupil is very hurtful to the school, and in all cases where reformation appears hopeless, it shall be the duty of the master, with the approbation of the trustees, to expel such pupil from the school. But any pupil under public censure, who shall express to the master his regret for such a course of conduct, as openly and explicitly as the case may require, shall, with the approbation of the trustees and master, be re-admitted to the school. The twenty-second subsection of the one hundred and second section of the *Public Schools Act* declares that "any pupil who shall be adjudged so refractory by the trustees (or by a majority of them) and the teacher, that his presence in the school is deemed injurious to the other pupils, may be dismissed from such school, and, where practicable, removed to an Industrial School."

Effects of expulsion.

(1) No pupil shall be admitted to any Public School who has been expelled from any Public or High School, unless by the written authority of the Inspector.

As to care of school property.

6. He shall exercise the strictest vigilance over the Public School property under his charge—the building, out-houses, fences, etc., furniture, apparatus, and books belonging to the school, so that they may receive no injury; and give prompt notice, in writing, to the trustees, or person appointed by them, under Regulation 3 of the *Duties of Trustees* (if in Cities, Towns, or Villages, to the Inspector), of any repairs which may require to be made to the building, premises, or furniture, etc., and of any furniture or supplies which may be required for the school.

As to school premises.

7. It shall be the duty of the master to give strict attention to the proper ventilation and temperature, as well as to the cleanliness of the school house; he shall also prescribe such rules for the use of the yard and out-buildings connected with the school house as will insure their being kept in a neat and proper condition; and he shall be held responsible for any want of cleanliness about the premises.

Opening of school.

8. Care must be taken to have the school house ready for the reception of pupils at least *fifteen* minutes before the time prescribed for opening the school, in order to afford shelter to those who may arrive before the appointed hour.

9. He shall see that the yards, sheds, privies, and other Out-premises. out-buildings are kept in order, and that the school house and premises are locked at all proper times; and that all deposits of sweepings, from rooms or yards, are removed from the premises.

10. He shall employ, at a compensation to be fixed by the trustees, a suitable person to make fires, to sweep the rooms and halls daily, and dust the windows, walls, seats, desks, and other furniture in the same; but no assistant teacher or pupil shall be required to perform such duty, unless voluntarily, and with suitable compensation. Sweeping, etc., of school room.

11. He shall act as librarian of the school, and take charge of the books; also make, keep, and preserve a catalogue of the same; deliver, charge, receive, and credit the volumes given out; and keep a register of the same; number, label, and catalogue the books. To act as librarian.

12. He shall keep the library open for the distribution (and return) of books to the scholars and ratepayers of the school division, on Friday afternoon of each week; but this duty shall not be permitted to interfere with the regular work of the school. When library books to be distributed.

13. He shall fill up the necessary returns and reports at such times and in such manner as may be required. Reports to be made by master.

14. He shall keep a daily and a general admission register of the school (to be furnished by the trustees), in the latter of which shall be entered, in each term, the date of admission of each pupil; his or her name and age; from whence received; the parent's or guardian's name and residence; specify the classes in the school, together with the names of the pupils in each such class; the promotion of pupils from one class to another; record of attendance of the pupil; date of his leaving the school and destination, both as to place and occupation; and such other information as shall at all times give a correct idea of the condition of the school. General register to be kept.

15. He shall see that the regulations in regard to opening and closing prayers for the day are observed, and that the Ten Commandments are duly taught to all the pupils, and repeated by them once a week. Prayers to be said by master on opening and closing school.

2.—Assistant Teachers.

16. The teacher of each class or department of a school shall observe the following regulations:— Teacher's duties as to pupils.

(1) He shall give the children under his charge constant employment in the studies prescribed in the authorized pro-

gramme; and endeavour, by judicious and diversified modes, to render study pleasant, as well as profitable.

As to discipline. (2) He shall practise such discipline in his school, class, or department, as would be exercised by a kind, firm, and judicious parent in his family. It is strictly enjoined upon all teachers in the schools to avoid the appearance of indiscreet haste in the discipline of their pupils; and, in any difficult cases which may occur, to apply to the master, Inspector, or to the trustees (as the case may be) for advice and direction.*

To read regulations. (3) He shall read, or cause to be read, to his class, at least once in each quarter (or otherwise inform the pupils of) so much of the Regulations as shall be necessary to give them a proper understanding of the rules by which they are governed.

To keep register. (4) He shall keep the register (provided by the Education Department, and furnished by the trustees, and to remain their property), in which shall be entered the names and daily attendance of pupils, their proficiency in various studies and other information.

To make returns. (5) He shall make such returns, and at such times, as may be required by the master, Inspector, or trustees, relating to his class, school or department.

3.—*Masters and Teachers.*

Additional duties of masters and teachers. **17.** It shall also be the duty of each master and teacher of a Public School to observe the following regulations:—

Principles of government. (1) Masters and teachers are to evince a regard for the improvement and welfare of their pupils; treat them with kindness, combined with firmness, and aim at governing them by their affections and reason, rather than by harshness and severity. Masters and teachers shall cultivate kindly and affectionate feelings among the pupils; discountenance quarrelling, cruelty to animals, and every approach to vice. Teachers shall also, as far as practicable, exercise a general care over their pupils in and out of school, and shall not confine their instructions and superintendence to the usual school studies, but shall, as far as possible, extend the same to the mental and moral training of such pupils, to their personal deportment, to the practice of correct habits and good manners among them, and to omit no opportunity of inculcating the principles of Truth and Honesty, the duties of respect to superiors, and obedience to all persons placed in authority over them.

Absence, what allowed. (2) No master or teacher shall be absent from the school in which he or she may be employed, without permission of the

* The following are modes to be adopted or avoided:—

(a) *Proper*.—Reproof kindly but firmly given, either in private or before the school, as the circumstances require it, or such severe punishment as the case really warrants, administered as directed in the above regulation.

(b) *Improper*.—Contemptuous language, reproof administered in passion, personal indignity or torture, and violation of the laws of health.

trustees or Inspector, except in case of sickness, in which case the absence of such teacher shall be immediately reported to the trustees; and no deduction from the salary of a teacher, within the limits prescribed by law, shall be made on account of sickness, when certified by a medical man.

(3) The Inspector may permit a Public School master, or teacher, to be absent two of the ordinary teaching days in each half-year, for the purpose of attending the meetings of the Teachers' Association, or of visiting and observing the methods of classification, teaching and discipline practised in other schools than that in which he or she teaches. Each public school-master and teacher must give at least three days' notice to the trustees of his intention, and such visit, with the name of the school or schools visited, shall be duly reported by such master or teacher to the Inspector. In order that no loss of apportionment may accrue to any school in consequence of the master's absence under this regulation, a proportionate amount of average attendance will be credited to the school for the time so employed by the teacher; but under no circumstances can lost time be lawfully made up by teaching on any of the prescribed holidays or half-holidays, nor will such time be reckoned by the Department, or be allowed by the Inspector. Such permission shall not be given by the Inspector if the absence of the teacher will be, in his judgment, injurious to the interests of the school; nor shall this permission be granted to any master or teacher who fails to report, or who has employed the time heretofore given to him otherwise than in visiting schools, as authorized by this regulation.

(4) No collection shall be taken up, or subscriptions solicited for any purpose, or notice of shows, or exhibitions given in any Public School, without the consent of the trustees; nor, as provided in section two hundred and twenty-seven, shall the masters or teachers act as agents for books, or sell stationery, etc., or receive presents (unless presented to them on leaving the school), nor award, without the permission of the trustees, medals or other prizes of their own to the pupils under their charge.

(5) All masters and teachers shall regularly attend the teachers' meetings, or Institutes, at such times and under such regulations as the Inspector shall direct; and they shall, by study, recitations, and general exercises, strive to systematize and perfect the modes of discipline and of teaching in the Public Schools.

18. They shall classify the children according to the books used. In giving out the lessons for the next day, difficult parts should be explained, and where necessary, the best mode of studying them pointed out.

19. The division of pupils into classes, as prescribed by the programme, shall be strictly observed; and no teacher shall

be allowed to take his or her class beyond the limits fixed for the classes taught by such teachers without the consent of the master or Inspector, except for occasional reviews; but individual pupils, on being qualified, may, with the consent of the master, be advanced from a lower to the higher class.

Time-table to be displayed in school room. **20.** They shall keep in some conspicuous place in the school-room, a time-table, to be drawn up by the teacher, showing the order of work for every day in the week, and the time for such work.

Quarterly examination. **21.** Each class in every school shall be open for public examination and inspection during the last week of every quarter; and the teacher shall call upon every pupil in the school, unless excused, to review or recite in the course of such examination.

School hours. **22.** All teachers shall be in their respective schools, and open their rooms for the reception of pupils at least fifteen minutes in the morning, and five minutes in the afternoon, before the specified time for beginning school; and during school hours they shall faithfully devote themselves to the duties of their office.

Visitors' book **23.** They shall keep the visitors' book (which is required by law to be furnished by the trustees), in which shall be entered the dates of visits and names of authorized visitors, with such remarks as such visitors may choose to make.

Reception of visitors. **24.** They shall receive courteously such visitors authorized by law, and afford them every facility for inspecting the books used, and for examining into the state of the school; shall keep the visitors' book accessible, that the visitors may, if they choose, enter remarks in it.

CHAPTER 12.

Duties of Pupils.

Cleanliness, etc. **1.** Pupils must come to school clean and neat in their persons and clothes. They must avoid idleness, profanity, falsehood and deceit, quarrelling and fighting, cruelty to dumb animals; be kind and courteous to each other, obedient to their instructors, diligent in their studies, and conform to the rules of their school.

Coming late. **2.** Tardiness on the part of pupils shall be considered a violation of the rules of the school, and shall subject the delin-

quents to such penalty as the nature of the case may require, at the discretion of the master.

3. No pupil shall be allowed to depart before the hour appointed for closing school, except in case of sickness, or some pressing emergency; and then the master's or teacher's consent must first be obtained. Leaving before close of school.

4. A pupil absenting himself from school, except on account of sickness, or other urgent reasons satisfactory to the master, forfeits his standing in the class and his right to attend the school for the remainder of the term. Absence.

5. Any pupil not appearing at the regular hour of commencing any class of the school which he may be attending, without a written excuse from his parent or guardian, may be denied admittance to such school for the day, or half-day, at the discretion of the teacher. Excuses.

6. Every pupil, once admitted to school, and duly registered, shall attend at the commencement of each term, and continue in punctual attendance until its close, or until he is regularly withdrawn by notice to the teachers to that effect; and no pupil violating this rule shall be entitled to continue in such school, or be admitted to any other, until such violation is certified by the parents or guardian to have been necessary and unavoidable, which shall be done personally or in writing. Punctual attendance.

7. Pupils in Cities, Towns, and Villages shall be required to attend any particular school which may be designated for them by the Inspector, with the consent of the trustees. And the Inspector alone, under the same authority, shall have the power to make transfers of pupils from one school to another. What school pupils must attend.

8. Any pupil absenting himself from examination, or any portion thereof, without permission of the master, shall not thereafter be admitted to any Public School, except by authority of the Inspector, in writing; and the names of all such absentees shall be reported by the master immediately to the trustees; and this rule shall be read to the school just before the examination days, at the close of each term. Absence from examination, how punished.

9. Pupils shall be responsible to the master for any misconduct on the school premises, or in going to or returning from school, except when accompanied by their parents or guardians, or some person appointed by them, or on their behalf. Authority of master to last while pupils going to or coming from school.

10. No pupil shall be allowed to remain in the school unless he is furnished with the books and requisites required to be used by him in the school; but in case of a pupil being in danger of losing the advantages of the school, by reason of his inability to obtain the necessary books or requisites through the Supply of books.

poverty of his parent or guardian, the trustees have power to procure and supply such pupil with the books and requisites needed.

Fees for books and stationery payable in advance.

11. The fees for books and stationery, etc., as fixed by the trustees in Cities and Towns, whether monthly or quarterly, or fees for non-resident pupils, shall be payable in advance; and no pupil shall have a right to enter or continue in the school until he shall have paid the appointed fee, or it shall have been paid on his behalf.

Injury to property to be made good.

12. Any property of the schools that may be injured or destroyed by pupils, must be made good forthwith by the parent or guardian, under penalty of the suspension of the delinquent pupil.

Certificate on leaving school.

13. Every pupil entitled thereto shall, when he leaves, or removes from a school, receive a certificate of good conduct and standing, if deserving of it.

CHAPTER 13.

Hours of Daily Teaching.

Hours.

1. The work of the day shall commence not later than nine o'clock, a.m., and shall not exceed six hours in duration, exclusive of the time allowed at noon for recreation, and of not less than ten minutes during each forenoon and each afternoon. A less number of hours of daily teaching may be determined upon in any Public School, at the option of the trustees.

Holidays.

2. The schools shall be taught on all week days during the term, except Saturdays, any "holiday" within the meaning of the Revised Statutes, and any local municipal holiday. (See Rev. Stat., c. 1, s. 8, sub-s. 16; and c. 204, s. 13.*)

Lost time.

3. No lost time can be lawfully made up by any teacher on any holiday, or during the vacations; and if so made up, it must be disallowed by the Inspector.

* Rev. Stat. c. 1, s. 3, sub-s. 16 (*Interpretation Act*), is as follows:—"The word 'holiday' shall include Sundays, New Year's Day, Good Friday, Easter Monday, and Christmas Day, the days appointed for the celebration of the Birthday of Her Majesty and of Her Royal Successors, and any day appointed by proclamation of the Governor-General or Lieutenant-Governor as a Public Holiday, or for a General Fast or Thanksgiving."

CHAPTER 14.

Religious Instruction.

1.—*General Principle.*

1. As Christianity is recognized by common consent throughout this Province as an essential element of education, it ought to pervade all the regulations for elementary instruction. Religious instruction—Restrictions.

2. In the *Public Schools Act*, the principle of religious instruction in the schools is recognized, the restrictions under which it is to be given are stated, and the right of each parent or guardian on the subject is secured. (Rev. Stat., c. 204, ss. 9 and 10.) The same.

3. The Public School being a *day*, and not a *boarding* school, rules arising from domestic relations and duties are not required, and as the pupils are under the care of their parents and guardians on Sundays, no regulations are called for in respect to their attendance on public worship. Attendance of public worship not to be enforced.

2.—*Opening and Closing Religious Exercises for each day.*

4. The Department recommends that the daily work of each Public School be opened and closed by reading a portion of Scripture, and by prayer. The Lord's Prayer alone, or the Form of Prayer to be found in Appendix,* may be used, or any other prayer preferred by the School Board or trustees and master of each school. The Lord's Prayer should form part of the opening prayers, and the Ten Commandments should be taught to all the pupils, and repeated at least once a week. Any portion of Scripture shall be read without comment or explanation. No pupil shall be compelled to take part in these religious exercises against the wish of his parent or guardian, expressed in writing to the master of the school. Opening and closing day's work.

3.—*Weekly Religious Instruction by the Clergy of each Persuasion.*

5. In order to correct misapprehension, and define more clearly the rights and duties of School Boards, trustees and others in regard to religious instruction in connection with the Public Schools, it is decided by the Department that the clergy of any persuasion, or their authorized representatives, shall have the right to give religious instruction to the pupils of their own church, in each school house at least once a week, after the Instruction by clergy allowed.

* See Form in School Register.

hour of closing of the school in the afternoon; and if the clergy of more than one persuasion apply to give religious instruction in the same school house, the School Board or trustees shall decide on what day of the week the school house shall be at the disposal of the clergyman of each persuasion, at the time above stated. But it shall be lawful for the School Board or trustees and clergyman of any denomination to agree upon any hour of the day at which a clergyman, or his authorized representative, may give religious instruction to the pupils of his own church, provided it be not during the regular hours of the school.

[*The remaining Regulations, relating to the Course of Study, Text Books, Training of Teachers, etc., are published separately. So also those relating to High Schools.*]

APPENDIX.

Form of Agreement for Engagement of a Public School Teacher.

MEMORANDUM OF AGREEMENT made this day
of 18 , between the Public School
Trustees of Section No. in the Township of (or the Public
School Board of the City, Town or Village of)
and A. B. of the the holder of a
Class Certificate of Qualification as a Public
School Teacher in Ontario, as follows:—

1. The (Trustees or School Board) hereby employ for their said school such Teacher, at the yearly salary of dollars, for the term of one year, beginning on the first day of January, one thousand eight hundred and , and ending on the thirty-first day of December in the same year [or on the eighteenth day of August in the year one thousand eight hundred and , and ending on the seventeenth day of August in the following year], and further agree that they and their successors in office will pay such salary to the said Teacher at least quarterly, and will exercise all powers and perform all duties under the Public Schools Act, and Regulations of the Education Department, which may be requisite for making such payment.
2. The Teacher agrees with the said Public School Trustees or Board to teach and conduct the said school during the said term, according to the said Law and Regulations in that behalf.
3. The foregoing is subject to the following conditions: (1) That the Teacher shall continue to be the holder of a legal Certificate of Qualification as a Public School Teacher in Ontario. (2) That holidays and vacations prescribed by the Law and Regulations are excepted from the said Term. (3) That

the days on which the Teacher has attended the meetings of Teachers' Associations or Institutes, as certified by the Inspector or Chairman thereof, shall be allowed him as if he had actually taught in the said school; and (4) That in case of sickness, as certified by a registered Medical Practitioner, he shall be entitled to receive his salary without deduction, for such period as may be authorized under the Statute in that behalf.

4. The Trustees or School Board and the Teacher may, at their option, respectively terminate this engagement by giving notice in writing to the other of them at least calendar months previously, and so as to terminate on the last day of a calendar month.

5. This agreement shall also be construed to continue in force from year to year, unless and until it is terminated by the notice hereinbefore prescribed.

As witness the Corporate Seal of the said Trustees or School Board and the hand and seal of the Teacher, on the day and year first above-mentioned.

.....	}	TRUSTEES. [<i>Corporate Seal.</i>]
.....		
.....		
.....		TEACHER. [<i>Seal.</i>]

IN THE PRESENCE OF

(In Duplicate.) One copy to be retained by the Trustees and the other by the Teacher.

INDEX.

	PAGE		PAGE
Absence, cause of trustee vacancy.....	29	Authorized Text Books...6, 24, 58, 66, 95,	112
Absence, allowed Masters and Teachers..	65	Award of Arbitrators to be title to lands.	76
Absentee children, names ascertained, 107,	108	May be registered	76, 77
Accommodation for examinations.....	47	Board and lodging in agreements with	
Inspectors to apply for	97	Teachers	87
Accommodation for Public Schools	160	Boards of Trustees	27, 61, 67
To be provided by Rural Trustees....	55	Boundaries of School Sections.....	44
By Public School Boards	65	Must be altered by 1st May in any year	45
Account for moneys required	113	Appeal as to.....	44
Acquiring land for Schools.....	52, 74-78	New Village boundaries	44
Actions against persons acting under Muni-		Adjustment of claims on alteration...	45
cipal By-laws, requisites for	111	Disposal of school property not wanted	45
Additional County Inspectors	46	Township Clerks to send certain no-	
Additional High Schools	121, 106	tices of alteration	70
Additional Schools in Sections.....	60, 74	Unions of School Sections, how altered	82
Adjustment of claims between Unions. 45,	82	By-Law of City, Town or Village, when	
Admission of Pupils to High Schools.....	135	to be ratified.....	50
To Normal and Model Schools	5	Case may be submitted to Courts ..	16
To Public Schools, power of Trustees.	57	Casting vote, Chairman to have	31, 61
Agent for sale of books, Trustee not to be.	112	Central Committee, Department to appoint	4
Agreement for Teachers, form of	182	Examination papers prepared by....	13
Agreements to be in writing, etc.....	87	Certificates of Qualification to teach.	
Agreements by Trustees	112	Department to award	6
Aid to High Schools, <i>Municipal Act</i> ...51,	128	County Boards to award	103, 105
Aid to Poor Schools.....	13, 49, 51, 101	Duties of Inspectors as to.....	97
Alteration of boundaries of School Sec-		New townships	98, 99
tions	44, 45, 70, 82	Suspension of	99
Annual elections	29, 30, 31, 34, 37, 95	Requisites for.....	104, 105
Annual Report.....	15, 32, 59, 67, 99, 100	Former continued	105
Annual School Meetings	58, 59, 61, 67, 129	Special and Temporary Certificates.	98, 99
Appeal from Division Court decisions ..	15	Chairman of first meeting in new section,	
Appeal to County Council.....	44, 48	duties	26, 31
Apportionment High School.....	139	Of annual School section meeting...	27, 32
Public School.....	96, 109, 167	Penalty for neglect of duties.....	116
Apportionment to Union Sections	102	Chairman of School Board in cities, etc.	
Arbitration—claims between unions in		Election of and right to vote	61
same township to be settled by	45	Change of Inspector's circuit.....	47
School Site	87	Cheques to Teachers or Trustees.....	96, 97
Arbitrators, what allowance to be made.	77, 93	Children, right of to be educated.....	22-24
Architecture. Grants	14	• To be enforced by Inspectors	166
Assessment—		Cities and Towns—	
Rural School, provisions for	38	First election of School Trustees in ..	34
Separate School supporters, how ascer-		Term of Office of Trustees	34
tained	38	Open Vote.....	36
Further columns in rolls	40	Declaration of elector in.....	32, 36
Township Councils may correct		Public School Trustees in, number of.	27, 34
mistakes in rolls	43	To form a Public School Board ..	27
For High School Purposes	125, 127	Regulations as to.....	159
In unorganized townships, and appeals	28	School accommodation in, Regulation.	160
In certain unions to be equalized....	80, 81	Cities and Towns separated, Counties for	
Assessment of property Act	39, 40, 41	High School purposes	121
Township Assessor, how to value	68	City Councils, duties and powers of ..	50, 124
Township roll furnished Trustees	69	City Inspector.....	66
Audit of Accounts of High School.....	128	Close of Poll at Elections, time for.....	30
Auditors, two to be appointed	73	Collector, Rural School.....	54
School Trustee must appoint one	54	Levy rates and taxes	40
One to be appointed at annual meeting	32	Duties of	72
County Council to appoint	47	Time for collection and payment	70
Inspector to hand orders to ..	97	Warrant for	56
Duties of, in rural sections.....	73	In Towns, Cities and Villages	61
Report of, to annual meeting	32, 74	Payment of, powers of.....	64
By County Clerks to Minister	72		
Warrant of	74		

	PAGE		PAGE
Collegiate Institutes, establishment	120	Education Department— <i>Continued.</i>	
Coloured Separate Schools	143	Management of Department	14
Commission on school matters	12	Meteorological Stations	14, 15
Committee for each School, Boards may		Normal and Model Schools	4, 5
appoint	67	Public Schools	4
Committee of Appeal on Boundaries	48	Teachers	5
Complaints as to elections, duties of In-		Text, Prize, and Library books	6
spectors as to	95, 167	Electors in Rural School Sections	32
Compulsory education	107	Election of Trustees	29, 30, 31, 34-37, 95
Consolidated Revenue Fund of Ontario,		Election of Trustees in certain Unions	79
Act respecting		Endorsing Third-Class Certificates	98, 104
Contested Elections, provisions as to	36, 95	Equality of votes provided for	31, 61
Contracts by Trustees with Corporation,		Equivalent of Legislative Grant to be	
unlawful	112	raised	46, 109, 125, 126
Convenor of first School Section meeting	38	Deductions if not raised	109
Councils. City and Town Councils	50, 124	Equivalents to certain examinations	3, 4
Township Councils	38	Estimate by Public School Board	63
County Councils	46, 49, 50, 123	Examinations for admission to High	
County Board of Examiners, appointment	47	Schools	3, 4, 135
Powers of Department as to	7	For Certificates to teach	162, 164
Constitution and duties of	102, 103	Papers transmitted	13
County Clerk, duties of	72	Accommodation for	47
County Inspector. <i>See</i> Inspector	46, 47	Duties of Inspectors as to	97
County Judge.		Only one examination for Third-class	
To act as to Union Section	82	yearly	103
As to Secretary-Treasurer	113	Separate ones may be held in Counties	49
County Model Schools	4, 5	Exemption from rates in unorganized dis-	
Counties to aid	50	tricts	27, 28
County School Auditors, appointment of	47	Expenses of Schools, how to be provided	
County Treasurer, duties of	70, 71	for	55, 63
Debentures by Township Councils	42	Extension of Third-class Certificates	98, 104
Decision of disputes, duty of Inspectors	95, 167	False Declaration, penalty for	116
Declaration of office by Rural Trustees	26	False Report and Registers, penalty for	115
When to be made. Regulation	157	Fee collected by High School Board	130
Penalty for making falsely	116	By Public School Board	67
for failure to make	116	To be payable in advance	180
Of electors	32, 36	Fellowships may be endowed	128
Defaulting residents, who to sue	56	Felony, to vacate office as trustee	29
Deferred School Meetings	33	Financial Estimate for Municipal Council	63
Deficiencies in rates, how to be made good	56	First-Class Certificates	6, 105
Deficiency in Municipal Assessments to be		Forbidden books, penalty	25
deducted from School grants 15, 56, 109, 110		Foreign Books	24
Differences as to School sites, arbitration	74, 75	Department may permit use of	6
as to Salaries	76, 90, 116, 132	Forfeited Balances of School Fund	14
Discipline. Regulations	173, 176	Former Certificates continued	105
Discontinuance of High Schools	121	Forms of Prayer in Schools	175, 181
Dismissal of Inspector	92	Forms, etc., to be prepared	14
Dismissal of Refractory Pupils	58	Free Schools. Public Schools to be	22
Regulations as to	174	Furniture, what to be got for Schools	163
Disposal of School property not wanted	45	Fund, Public School	96, 109, 167
Disputes as to remuneration of High		Grants, apportionment of	14, 49, 109, 139
School masters	132	Half-yearly Report of Trustees, contents of	59
Disputes, what to be settled by Minister	14	Neglect to forward, penalty for	115
Dissolution of Union of School Section	82	High Schools, powers of Department as to 2, 3, 4	
District certificates	98, 99	Minister	8
Districts for High Schools	121	High Schools and Collegiate Institutes	121
Disturbing School Meetings, penalty for	117	Additional High Schools, established	121
Division Courts, appeals from	15	Admission of Pupils	135
Differences in regard to Teachers' sala-		Assessment for High School purposes,	
ries to be decided in	76, 90, 116, 132	obligatory and discretionary	123, 127
Division of section, power of Township		Audit of Accounts	128
Councils	44	Boards	129
Duties. Councils	38, 46, 49, 50, 123, 124	Cities and towns separated to be	
Inspectors	3, 164, 194	Counties	121
Trustees	28, 53, 61, 157	Power of to agree with County	121
Pupils	178	Appointment of Trustees in case of	
Teachers	88, 173	agreement	121
Education Department, establishment of	1	Collegiate Institutes, when High	
Powers of, as to Examiners	7	Schools may become	12
" High Schools	2	Continuance in office of Trustee	124
" Inspectors	7	Councils, duty of	123, 124, 127
Legislative Grants	7		

	PAGE		PAGE
High Schools and Col. Inst.— <i>Continued.</i>		Inspectors of Public Schools— <i>Continued.</i>	
Change of place.....	121	Remuneration of.....	92, 93, 190
Discontinuance of, how effected.....	121	Duties of.....	94–102
Disputes as to remuneration of masters	132	To be appointed by County Council..	46
Districts.....	121	Number of required.....	46
Duties of Trustees.....	129	Additional may be appointed.....	46
Equivalents to examinations.....	3	Change may be made.....	47
Equivalent to Legislative Grant.....	126	Vacancies may be filled up.....	47
Exemption from French and German..	4	Allowance to for Arbitrations.....	93
Existing organizations continued.....	120	Accommodation for Examinations...	97
Fees of pupils to be collected.....	130	Duties of as to boundaries.....	100
Fellowships in, may be endowed.....	128	Duties of as to apportionment.....	96
Funds.....	3, 8, 14, 139, 140	General powers of.....	102
Grants, basis of apportionment.....	139	Duty of as to Unions of Townships	80, 81, 82
Condition of payment of.....	140	Towns may place schools under juris-	
Head-Masters.....	3, 132–134	diction of County Inspector.....	92, 170
Higher branches of Education.....	131	To decide as to distance in case of non-	
Holidays and Vacations.....	134	residents.....	57, 65, 96
Inspector, duties.....	3, 137, 138, 139	Report to be made to.....	59
Lands for, may be acquired.....	127	Resignation of.....	94
Masters.....	3, 132–134	To receive superannuation moneys	
Meteorological Observations.....	4, 141	from County Treasurer.....	71
Military Instruction, allowance for...	140	To decide disputes between auditors...	73
Minister of Education, duties as to...	8	To report.....	99, 100
Moneys payable to treasurer.....	128	Arbitrator in matter of School Sites..	76
Name of, how determined.....	129	Entitled to superannuation.....	90
Place of holding.....	121	In Cities and Towns, salary of.....	63
Preparatory School may be established	132	Public School Board to appoint.....	66
Prohibitions and Penalties.....	141	Powers of.....	66
Property of, vested in Trustees.....	137, 138	Vacancies, how filled.....	47, 66, 94
Pupils in.....	3, 4, 135, 136	Payment of, as Examiner.....	66
Pupils, Municipal aid to.....	51, 128	In Towns not separated, Salaries....	71
Pupils of, competing at University...	128	Regulations of Department as to.....	164
Quorum of Trustees, what to be.....	129	Institutes, Teachers'.....	10, 14
Registers to be kept by Masters.....	134	Institutes, Collegiate.....	120
Retiring Trustees may be reappointed.	125	Interim Certificates in new Townships...	98
School Treasurer, duties of.....	128	Interpretation of certain words, High	
Sites for, how obtained.....	127, 128, 138	Schools Act.....	134
May be surrendered or sold.....	138	Public Schools Act.....	21
Application of proceeds.....	139	Investment by Municipal Councils....	44, 51
Special Certificates to monitors, etc...	4	By Public School Board.....	68
Superannuation allowance to Masters,		Responsibility of Members of Councils	110
133, 134			
Terms, what are to be kept.....	135	Kinds of Schools, Boards to determine...	63
Trustees of, how appointed.....	123, 124, 129	Key of School-house to be given up....	89
To be a corporation.....	129	Penalty for not so doing.....	116
Unions of County with City or Town	121		
Unions of, with Public Schools.....	122, 123		
Disposition of property on dissolution			
tion.....	122	Lands vested in trustees.....	25
Vacancies in office of Trustees.....	124	Lands may be acquired for High Schools,	128
Vacations limits of, defined.....	135	Lectures to be delivered by Inspectors...	95
Holidays in High Schools.....	134, 135	Legislative Grants, Department may apply	7
In Public Schools.....	25	Minister, may apply certain.....	13
		Legislative Grant.....	3, 8, 14, 139, 140
Incumbrances on lands, provided for....	78	Deductions from.....	15
Indigent persons may be exempted.....	60	Equivalent to, to be raised.....	46, 109, 125
Industrial School.....	58	Libraries and Librarian—	
Injury to property by pupils.....	180	Department may make regulations....	6
Inspection districts may be formed.....	92	Minister to promote establishment of..	10
Inspection in certain Unions.....	79	Grants for may be authorized.....	14
Inspectors—		Township Councils may establish....	43
Of High Schools.		County Councils may establish.....	49
Duty of as to admission of pupils.....	137	School Trustees may require sums for	63
To certify to attendance of pupils.....	139	Rural School Trustees may establish..	58
Department may appoint.....	3	Librarian, Board to appoint.....	66
Of Public Schools.		Teacher as.....	175
Powers of Department as to.....	7	Loans to School Trustees, provisions as to	51
Minister may appoint to report on		Loans—Council may issue debentures...	42
matters.....	12	Rate to be levied to pay interest.....	42
May swear witnesses.....	12, 94	Lost time cannot be made up.....	180
Appointment and removal of.....	92		
Qualification of, what required.....	92	Magistrate, to enforce compulsory clauses,	108, 109

	PAGE		PAGE
Map of Township to be prepared	69	Opening and Closing Prayers.	175, 181
Disposal of same	69	Opening School, time for	173, 180
Penalty on Clerk for neglecting	111	Optional subjects of elementary teaching	4
Masters and Assistants of High Schools—		Order of Business at Annual Meeting	31, 155
Not to teach in Preparatory School	132	High Schools Trustees	129
To be University Graduates	132	Orders on School Fund	57, 64
Disputes as to salary, etc., how settled	132	Owners of lands absent, titles how secured	78
Holidays and Vacations	132		
Registers, what to be kept	134	Parties aggrieved, may recover	111
Legally Qualified, who are	134	Penalties and Prohibitions	110-117
Superannuation Allowance to	133, 134	For false returns by trustees	115
Additional qualifications	3	For neglect to send in returns	159
Master of Public School	57, 87-91, 182, 173	For not delivering key and registers, 89, 116	116
Meetings, Rural School Sections	58, 59	High Schools Act	41-42
Meetings of School Boards	61, 67	Pensions to Teachers may be supplemented	49, 68
Meteorological Reports	4, 12, 15, 141		
Military Instruction	146	Place of holding High School changed	121
Minister of Education—office established	2	Plans, Minister may provide	12
Duties of as to High Schools	8	Poor Schools	14, 49, 101
Public Schools	8	Prayer, in Public and High Schools	175, 181
Normal Schools	9	Preparatory Schools in High Schools	132
Teachers and Teachers' Institutes	10	Presents not to be received by masters	177
Text Library and Prize Books, etc.	10	Proceedings at School Meeting	31, 32, 34, 38, 67, 155
Inspectors	12	Of School Trustees	52, 53-60, 61-67
Examinations	13	Protestant Separate Schools	143-146, 151-154
Legislative Grants	13	Public Schools—	
Management of Department	14	Powers of Department as to	4
Appeals from Division Court	15	Of Minister as to	8, 9
Separate School disagreements	14	Accommodation to be provided	55
To report annually on Schools	15	Alteration of Bounds	44
To apply forfeited balances	14	Annual Elections, when to be held	29, 30
As to short municipal assessments	15	Apportionment	96, 102, 109, 167
To apply and account for moneys	15	Arbitration, claims between Unions	45
Mistakes in Rolls, correction of	38, 43	Arbitrations respecting School Sites	76
Model Schools, County	50	Arbitrators, what allowance to be made	77
Township	43	Assessors, duties of	68, 69
Money for educational purposes	51	Auditors	31, 32, 47, 58
Monitors' certificates, duty of Inspectors ..	99	Boundaries of Unions	82, 83
Municipal and Assessment Act, reference ..	22	City Councils, duties and powers of	50
Municipal Institutions Act, provisions of ..		Collectors	40, 54, 56, 61, 64, 70, 72
Moneys for educational purposes	51	Committee of Appeal from Township	48
Loans to School Trustees	51	Compulsory Education	108
Aid to poor School Sections	51	Contested Elections, provisions as to	36, 95
By-laws may be made for—		County Boards of Examiners	102
Acquiring land for Schools	43	County Clerk, duties of	72
Lands for High Schools	127	Councils, duties of	46
Aiding High Schools	128	Powers of	49
Supporting pupils at University and		School Auditors, appointment of	47
High Schools	128	Treasurer, duties of	70
Endowing fellowships	128	Defaulting residents	56
Municipalities, responsibility of	110	Deficiencies in rates, how made good	56
Museum grant authorized	13	Elections of Trustees	29, 30, 31, 34-37, 79, 95
Name of County High School	120	Electors, declaration to be taken by	32
New and Poor Townships, special aid,	12, 14, 49, 101	Equivalent to Legislative Grant	46
New School Sections, elections in	30	Examination for Teachers' Certificates	49
New School Site, special meeting	74	Forbidden books, Schools must not use	25
New Townships, Teachers' Certificates		Foreign books	24
in	98, 99	Free Schools, Public Schools to be	22
Non-attendance at School, penalty for	108	Fund	96, 109, 167
Non-residents, liability of	87	Holidays, what are	25
Rates on land of, returned to clerk	56	Indigent persons may be exempted	60
Non-resident Pupils, admission of, 57, 60, 65, 68 ..		Inspectors	91-94
Normal Schools, powers of department	4	Interpretation	21
Of Minister	9	Investment by Municipal Councils	51
Certificates, Minister to give	9	Lands vested in Trustees	25
Notice of School Meeting, how to be given	155	Legislative school grants, how expended	109
Penalty for not giving	117	Model Schools may be aided	50
		By Township Councils	43
Oaths	12, 74, 94	Non-residents	56, 57, 60, 65, 68, 87
Office Hours of Public School Inspectors	164	Officers, municipal, duties of	68
Offices to Schools, construction of	163	School, duties of	72
		Prohibitions and penalties	110

INDEX.

V.

	PAGE		PAGE
Public Schools—Continued.		Public School Corporations—constitution	
Public School Fund.....	96, 109, 167	of and duties	26, 29, 52
Quorum of School Boards, what to be.	52	Power of, to borrow moneys	41, 55, 62
Rates, who to levy.....	42, 54, 55	Public School Fund.	
Re-election of Trustee lawful.....	29	Apportionment of by Inspectors.....	167
Refractory pupils may be dismissed.....	58, 173	In Townships.....	8
Registration of awards, school sites.....	76, 78	Forfeited balances, how disposed of.....	14
Religious services, exemption.....	24, 181	Inspector to distribute.....	96, 167
Residents, what permitted to attend.....	57	Duty of Inspectors as to Union Sections.....	102
Right of children to attend school.....	22, 108	Share of Township not affected by	
Rural school assessments and loans.....	38	union	83
Rural school section corporations.....	26	Public School Inspectors. See Inspectors,	57
Rural school sections, elections	30, 31	Public School Teachers.....	4, 5, 57, 87-91, 182
Annual meeting in	31	Public School Trustees. See Trustees.	
Electors in, who to be.....	32	Pupils in High Schools—	
Deferred school meetings in	33	Admission of pupils.....	3, 4, 66, 135-137
Formation of, duties of Councils.....	38	Residence of.....	137
Rural Trustees	53	May be aided.....	51, 128
Powers of	60	Pupils in Public Schools, duties of	178
School Boards in Cities, Towns, and		Fees for books in advance.....	180
Villages	27	Certificates to, on leaving school.....	180
Duties of	61	Injury by, to be made good	180
Powers of	67		
School corporations, powers and duties		Qualifications of Inspectors.....	91, 164
What acts of to be binding.....	52	Of Examiners	102, 171
What necessary to make valid.....	52	Of Masters	3, 88, 132
School sites, obtained in cities, etc.....	76, 77	Quarterly Examinations	89, 178
In rural sections	75	Quarterly payment of Teachers.....	55, 182
Titles to, provisions respecting	77	Quorum of Rural School Corporations.....	52, 160
Secretary-Treasurer, who to appoint.....	53	Of High School Trustees	129
Cities, etc.....	61		
Security to be required from officers.....	47, 53	Rates, who to levy.....	42, 43, 52, 55
Separate School supporters not affected		Real property for Schools may be acquired	43
by certain provisions respecting		Record of proceedings to be kept	52
non-residents	87	Recovery of Fines and Penalties	117
Not to be taxed for Public Schools.....	22	Re-election of Trustee lawful.....	29, 125
Not to vote at elections.....	30	Refractory Pupils	58
Sub-Treasurers, appointment of.....	49	Refusal of Trustee to serve, penalty for	114
Duties of.....	72	To account to School Auditors	114
Sums levied, increased by County		To deliver up School property	116
Council	49	To account for School moneys	113
Superannuation of Teachers.....	90	Registers required to be kept.....	58, 68, 88, 134
Surplus may be invested.....	44, 51, 68	Registration of Awards on School Sites.....	76, 78
Teachers	4, 5, 57, 65, 87-91, 104, 182	Regulations, Department may prescribe	3, 155
Teachers' Associations may be aided.....	50	Admission of Pupils to High Schools	3
Teachers' Certificates	104	To be obeyed by Inspectors	102
Salaries, County Councils to provide	49	To be observed in Schools.....	58, 67, 88, 131
Township Councils to provide for	55	Religious Exercises in Schools	24, 181
Public School Fund for.....	109	Repayment of Superannuation money.....	90
Town Councils, duties and powers of.	50	Report of Rural School Auditors	32, 74
Township Boards, how formed	83	Report of Rural School Trustees.....	32, 59
Clerks, duties of	69	Report to be made annually to Minister.....	67
Councils, duties of	38	To be published in newspapers	67
Powers of	43	Half-yearly, to County Inspector	59
Sub-Treasurers, who to appoint.....	49	Required annually from Minister	15
Trustees personally liable for moneys.....	114	Residents permitted to attend school	57
Trustees' term of office continued	22	"Residents," who are to be included as	159
Duties of.....	58, 61	Resignation of Rural School Trustees.....	26
Unions of High and Public Schools,		Responsibility as to Investments	110
73, 74, 107, 108		Of Municipalities to Her Majesty.....	110
Unions of School Sections, how formed	79	Of Treasurer and Sureties	110
Unorganized districts, Inspection districts	179	Of Trustees for School moneys.....	112, 113
Unorganized townships, School Sections in	27	Responsibility of Trustees for compensation for land	78
Vacancies in office of Trustee.....	29, 58, 67	Retirement of teachers	90
Vacations, what are	25	Return of Rates to be made	56
Valuation of School property.....	38, 45, 82	Returns to be sent in by Trustees	59, 159
Village Councils, duties and powers of	50	Right of children to attend school	20, 22, 166
Visitors of Schools, who may be	106	Roman Catholics not required to attend	
Public School Boards—constitution of.....	27	Public Schools.....	24
Township Boards	83	Roman Catholic Separate Schools.....	146-151
In Cities, Towns and Villages.....	61	Rules of Order at Annual Meeting	155
Regulations as to	159	For School Boards	159

INDEX.

vii.

	PAGE		PAGE
Trustees of Public Schools— <i>Continued.</i>		Vacancies in office of High School Trustee	124
In Cities, Towns and Villages	61, 159	Public School Trustee, when caused.	29, 31
In Unorganized Townships.....	27	Vacations in High Schools	135
Of High Schools.....	129	In Public Schools	25
Undivided lot, how to be assessed.....	69	Valuation of School Property	42, 45
Union of Counties, for High School pur-		Inspector to act as Valuator	101
poses	127	Village Councils, duties and powers of....	50
Of County with City or Town for High		Villages—	
School purposes	121	School Boards in....	26, 27, 33, 61, 67, 159
Unions of School Sections.....	79-83	Boundaries to remain until altered ..	44
Apportionment to	102	Unions	79-83
Of High and Public Schools	86, 122	Visiting of Schools, Inspectors' ..	58, 67, 94, 165
Of School Sections within Townships,		Visitors' Book to be kept	58, 88, 178
38, 44		Visitors of Schools.....	106
Unorganized Districts, Inspection.....	92	Reception of.....	178
Unorganized Townships, Schools in	27	Visiting Schools by Teachers	177
Useful information, Minister to diffuse...	12	Warden may supply vacant Inspectorship	94
Vacancy in office of County Inspector ..	47, 94	Warrant to Collector.....	56
		Warrant of Auditor	74
		Witnesses, Auditors may swear	74
		Inspectors may swear.....	12, 94

	PAGE
Rural School Assessments and Loans	38
Rural School Collector, duties of	72
Salaries of Inspectors determined.	92, 170
Of Teachers—	
County Councils to provide for	49
Rural Trustees to provide	57
Public School Boards to provide for.	64, 65
To be paid by County Treasurer.	71
Protection in regard to.	89, 134
Quarterly payment of.	49, 55
Differences, to be settled in Court.	98
Form of agreement.	182
School Accommodation.	160
School Architecture, grants	14
School House	160
Use of.	158
Care of.	158, 174, 175
Suggestions as to School Buildings.	163
School Lands granted before 1850 vested.	25
School Meetings in Rural School Sections,	
31, 32, 34, 53-60, 61-67, 155	155
School Moneys.	54, 55, 64
School Property	62
Trustees to hold	54
May be sold by Trustees	55
Of High Schools vested in Trustees	137
School Sites, duty of Inspector as to.	101
High Schools.	127, 128
Public Schools.	21, 74, 75, 76, 77, 93
Regulations as to.	160
Seal, use of by Trustees	87, 158
Second-Class Certificates	6, 105, 106
Secretary-Treasurer to be appointed.	105
Moneys collected to be paid to	54
In Cities, etc.	61
Security to be exacted from officers 47, 53, 54, 64	64
Separate Schools Act	143-154
Separate School Supporters not to use	
Public Schools.	57
Provisions respecting non-residents	87
Not to be taxed for Public Schools.	22
Not to vote at Public School elections.	30
To be distinguished in rolls	38
Not affected by certain provisions as	
to assessment.	40
Sickness of Teacher	88, 134
Site for Schools.	21, 74-77, 93, 101, 127, 128
Special School Meetings, may be called	58
Regulations as to.	157
Special Certificates from Inspectors.	92
" to act as Monitors and Assistants.	28
Stipendiary Magistrate, jurisdiction of.	4
Subscriptions, etc., not to be taken up.	177
Sub-Treasurers	49, 72
Sums levied may be increased	49
Superannuated Teachers.	6, 71, 90, 91,
97, 133, 134	133, 134
Surplus may be invested.	44, 51, 68
Suspension of Certificates.	99
Suspension of Pupils.	173
Teachers—	
Powers of Department as to	5
Of Minister.	4
Agreements with, requisites for	87, 88
Form for	182
Protection of, in regard to Salary.	89, 90
Qualified Teachers defined	88
Retirement of	91
Specific duties of	88, 89
Superannuation of.	6, 71, 90, 91, 97,
133, 134	133, 134
Employment of Rural School.	57
Entitled to Holidays and Vacations 65, 141	141

	PAGE
<i>Teachers—Continued.</i>	
Public School Fund to be expended in paying	109
High Schools	3, 132-134
Teachers' Associations, Council to aid	50
Certificates	104-106
Institutes	10
Grants for, authorized	14
Meetings	177
Salaries	49, 55, 57, 60, 65, 71, 89, 90, 134, 182
Temporary Certificates	98, 166
Terms, in High Schools	138
In Public Schools	25, 180
<i>Text Books—</i>	
Duties of Inspectors	95
Duties of School Corporations as to,	58, 60, 62, 66
Powers of Department as to	2, 6
Of Minister	10
Third-Class Certificates	104, 105
Time-table to be displayed in School Room	178
Titles to School Sites and other property	77
Town Councils, duties of	50, 124, 125
Town Inspector	66, 63, 92, 164, 170
Towns divided into wards, number of	
Public School Trustees in	27
First election of School Trustees in	34
Term of office of Trustees	34
Subsequent annual elections	34
Towns not divided into wards—	
Election of first Trustees in	33
Trustees when elected to be classified	33
Retirement of, provided for	35
Subsequent elections	76
Number of Public School Trustees in	77
Towns, School Boards in, regulations	69
Accommodation in	158
Unions of School Sections	44, 79
Township Boards	83
Clerks, duties of	38, 45, 69
Councils, duties of	38
Powers of	43
To levy sums required by Trustees	42
May authorize Trustees to borrow	41
Limit as to rates	43
Model School	43
Sub-Treasurers, appointment	49
Treasurer responsible to municipality	110
High School	128
Appointed by School Boards	64
Of minor municipalities to pay orders of Inspectors	72
Travelling Expenses of County Inspector	93
<i>Trustees of Public School.</i>	
Term of office	22
Present Trustees continued	22
Provision in cases of vacancy	29
Rural School Trustees	26, 31, 53, 157
In Villages, Towns and Cities	33, 34
Requisites for Trusteeship	26
Declaration of office by	26, 157
Resignation of	26
To be a Corporation	26
Personally liable for moneys	112
Responsibility of for compensation for lands	78
To apply to Councils before August meeting	43
Duties of Rural Trustees	53
Powers of Rural Trustees	60
Vacancy in office of	29, 31
Elections of	29, 30, 31, 34-37, 95
Power of, to borrow	41, 55
Report of	32, 59, 67

.... 34
 34
 34
 33
 led. 33
 3
 2
 s in
 1
 1
 .44. 79
 3